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# **ACTS.**

**PASSED AT THE FIRST SESSION**

**OF THE**

**FORTY-FIRST GENERAL ASSEMBLY**

**FOR THE**

**COMMONWEALTH OF KENTUCKY,**

**BEGUN AND HELD IN THE TOWN OF FRANKFORT,**

**On Monday the 3rd day of December, in the year 1832, and of the  
Commonwealth the forty-first.**

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**JOHN BREATHITT, GOVERNOR.**

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**PUBLISHED BY AUTHORITY.**

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**FRANKFORT, KY.**

**Albert G. Hodges, Public Printer, Office on St. Clair Street,**

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**1833.**

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# CONTENTS.

	Page
AN ACT to authorise the insertion of advertisements in certain newspapers.	13
To change the time of holding the Trigg Circuit Court.	13
To authorise the publication of advertisements in "The Augusta Telegraph and Bracken County Advertiser."	14
For the benefit of Noah C. Summers, Clerk of Bullitt County Court.	14
For the relief of the Sheriff of Garrard County.	14
To amend the law incorporating the town of Warsaw, late Fredericksburg, in Gallatin County.	15
For the benefit of the heirs of Smith Alexander, deceased.	16
To authorise the sale of Lebanon Meeting House, in the County of Todd.	17
To repeal in part, an Act to amend the law concerning the trustees of the town of Glasgow, and for other purposes, approved January, 1831.	17
To authorise the erection of a building for the use of a Public Library, on the public square in Richmond.	18
For the benefit of Mary Ann Patterson.	19
Supplemental to "An Act for the benefit of the Sheriff of Garrard County.	19
Adding Edmonson County to the Sixth Judicial District, and for other purposes.	19
To legalise the proceedings of the Greenup County Court, at their last November Term.	19
Repealing an act, declaring Dick's River navigable.	20
For the relief of Jailors.	20
To change the first Constable's District, in Washington County.	20
To change the names of Matilda McNutt and John McNutt, to those of Matilda Bayse and John Bayse.	20
Regulating the Ferry at the mouth of the Big Kentucky River, in Gallatin county.	21
For the benefit of Jeffersontown.	21
For the benefit of Louisa Meriwether.	22
For the benefit of James Parish.	23
For the benefit of Dicey Fletcher.	23
For the benefit of John Cook.	23
To change the time of holding the Lewis and Greenup Circuit Courts, and for other purposes.	24
To authorise the sale of a part of the real estate of Everard Clark, to pay his debts.	25
For the benefit of Mary Goodwin.	26

For the benefit of the Sheriff of Scott County, and for other purposes.	27
To amend An Act requiring tavern keepers, Pedlars, and the owners of covering Horses and Jacks, to pay taxes in advance, and obtain license, approved December 22, 1831.	28
Continuing in force the law providing for the appointment of Commonwealth's Attorneys.	28
To regulate the fines and forfeitures of Russell county.	28
Authorising the County Courts of Jessamine and other counties to appoint, in their respective counties, additional Constables and Justices of the Peace.	29
To authorise the sale of certain lands of Edmund H. Taylor.	30
For the benefit of Henry Waddle.	33
For the benefit of the Boone Academy.	33
To regulate Election Precincts in certain counties.	34
Authorizing the County Courts of Bath, Fleming and Franklin, to permit gates to be erected across certain public roads.	37
To change the place of voting, in an Election Precinct in Montgomery county, from Robert Gay's to John L. Martin's, and for other purposes.	38
Increasing the jurisdiction of the Trustees of the town of Franklin, Simpson county.	39
To legalise the proceedings of the Christian and Barren County Courts in appointing Commissioners of Tax, and for other purposes.	39
To change the Constable's District in the 1st Battalion, 88th Regiment, K. M., and to change a Constable's District in the county of Estill.	40
To amend the law concerning the Lunatic Asylum, and for other purposes.	40
To allow the Independent Banks of this Commonwealth further time to settle their concerns.	41
To change the time of holding the Spencer Circuit and County Courts, and the County Courts of Shelby.	42
For the benefit of Allen Taylor.	42
For the benefit of George Coleman and others.	43
For the benefit of Gabriel Gaines' heirs.	45
In relation to the towns of Cynthiana and Lawrenceburg.	46
To regulate the Jefferson and Oldham Circuit Courts.	51
To authorise the recording of deeds remaining unrecorded in the Clerk's Office of the Logan County Court at the death of the late Clerk.	52
To change the place of voting in the Caney Precinct, in the county of Ohio.	54
To change the mode of publishing the decisions of the Court of Appeals.	54
For the benefit of Dorcas Worley.	55
To authorise Edmund Turner to erect a Mill dam and Mill on the Middle Fork of the Kentucky river, in Clay or Perry county.	56
For the benefit of the Jailor of Logan county.	56

# CONTENTS.

v.

To establish an Election Precinct in Barren county.	57
For the benefit of the Head-right and Tellico settlers.	58
For the benefit of John Smith and Bartlett Hill.	58
For the benefit of Wm. R. McFerran and others.	59
For the benefit of Benjamin Robison.	60
To amend, and reduce into one, the several acts concerning the town of Augusta, Bracken county.	60
To authorise the County Court of Scott county to increase the allowance to patroles of said county.	65
To change the time of holding the November term of the Casey Circuit Court.	65
To enlarge the limits of the town of Elkton, in the county of Todd.	65
To regulate the town of Simpsonsville, in Shelby county.	66
To amend the laws relating to the town of Covington, and for other purposes.	67
To increase the powers of the Trustees of the town of Nicholasville, in Jessamine county.	68
To authorise the sale of a tract of land belonging to Cornelius F. Willett, a lunatic.	69
For the benefit of Spencer Boyd and others, of Bath county.	69
To authorise the County Court of Hardin county to purchase one hundred additional acres of land for the Poor House established in said county.	70
To authorise the Trustees of the Newport Seminary to sell their donation lands, and for other purposes.	70
To change the names of Claiborne Brewer and Mary Felicia McMann.	71
To provide for the collection of fines recoverable under the by-laws of the towns of Russellville, Bowlinggreen and Glasgow.	72
To add a part of the county of Oldham to the county of Shelby.	72
To explain the law concerning the Stanford Academy.	72
To authorise the insertion of advertisements in the Observer & Reporter, and for other purposes.	72
For the benefit of the Barboursville Seminary, in Knox county.	73
For the benefit of St. Joseph's College, at Bardstown.	74
For the regulation of the town of New-Market, in Washington county.	74
To establish an election precinct at the great falls of Rough, in the county of Breckinridge.	75
For the benefit of William Sears.	76
To amend the law of evidence in prosecutions for forgery.	76
For the benefit of the wife and children of William Green, a lunatic.	77
Declaring John's creek, in Floyd and Pike counties, a navigable stream.	78
For the benefit of the Sheriff of Hickman county.	78
For the relief of Abraham Miller, of Harlin county.	79
Defining the limits of the town of Mount Washington, in Bullitt county, and for other purposes.	79

To change the State Road leading through the lands of Matthew Slaughter, in the county of Casey.	81
For the benefit of Thomas Newskirk and Wife.	82
Regulating and defining the powers of the Trustees of the town of Brandenburg, in Meade county.	82
To change the time of the meeting of the Legislature of Kentucky.	83
To authorise the establishment of a road from Harrodsburg to the Lexington road from Bardstown, and for other purposes.	83
For the benefit of Morgan Forbis' heirs and Clarke McAfee's heirs.	84
Authorising the several County Courts of this Commonwealth to permit gates to be erected on certain public roads.	85
For the benefit of Daniel M. Kittenger.	86
To authorise Clerks, Sheriffs, Justices and Constables, the collection of their fees from those about to leave this Commonwealth.	87
Prescribing a mode for vacating judgments recovered against or in favor of deceased persons.	88
To establish the town of Taylorsville, in Spencer county, and giving the Trustees thereof certain powers.	89
To establish a road from Louisville to the State line, in a direction to Knoxville.	90
Changing the boundary lines of the 72d Regiment of the Kentucky Militia.	92
To change the place of voting at the Claysville precinct in Harrison county, and for other purposes.	92
For the benefit of David Short.	93
To improve the road leading from Monticello to the state line, in a direction to Monroe, Tennessee; and the road leading from Columbia by Creelsburg to the state line.	94
For the benefit of Vachel Welden, Jailor of Bracken county.	95
To authorise the sale of a street in Russellville.	96
For the benefit of the Sheriffs of Gallatin, Pendleton and Bath counties.	96
For the benefit of Sally Spillman.	97
For the benefit of Jane Tibbs and Greenberry Tibbs, of Laurel county.	97
To provide for the opening a road from Frankfort to Williamstown, in Grant county.	98
To establish election precincts in the counties of Breckinridge and Hancock.	99
For the benefit of the late Sheriff of Grant county, and his securities.	100
For the benefit of the clerk of the Garrard County Court.	101
For the benefit of the heirs of Samuel Flournoy, deceased.	102
Further to improve the town of Princeton.	102
To amend the laws concerning Transylvania University.	103
To protect the actual settlers in the land district West of the Tennessee river.	103
To appoint trustees to the Washington Academy.	103
For the divorce of Mary Richardson.	104



# CONTENTS.

vii

To permit the trustees of Columbus to allow mills and warehouse to be built in the commons of said town.	104
For the benefit of the clerk of Perry county.	105
For the benefit and relief of Eleanor Jewell.	105
For the benefit of Benjamin Totin.	105
For the benefit of the devisees of Richard Shanklin.	106
To allow the sheriff of Madison to return his delinquent list in certain cases.	106
To appropriate a part of the vacant land lying between Walker's line and the latitude 36° 30' North, in the State of Tennessee, for the purpose of improving and finishing the road leading from Monticello, Wayne county, to the state line in a direction to Jacksborough and to Barloursville.	107
For the benefit of William Butler, clerk of the Monroe County and Circuit Courts.	108
Concerning the Public Library and to provide for the election of a Librarian.	108
For the benefit of the legatees of Richard Allen, deceased.	110
To enlarge the town of Madisonville.	111
To legalize the proceedings of the court of assessment of fines of the 20th regiment of Kentucky militia.	111
For the benefit of the heirs of John Nalle, Jr.	111
Further to regulate the town of Springfield, in Washington county.	112
To permit the sale of two small tracts of land belonging to Nancy Dalin, an idiot.	112
For the benefit of William Davis, of Whitley county.	113
To provide for copying and preserving certain records belonging to the office of the surveyor of Harlan county.	114
Appointing trustees to the Glasgow Academy.	115
To authorise the establishment of a Library in Rockcastle county, and for other purposes.	115
To amend the road laws, so far as respects the county of Mason.	118
To amend an act to establish an election precinct in Pendleton county, approved January 29th, 1830, and for other purposes.	118
To revive and continue in force, an act entitled, "an act to establish the town of Vanceburg, approved January 24, 1827, and for other purposes."	119
To amend an act organizing a Fire Company in the town of Augusta.	120
To incorporate the Franklin Insurance Company.	121
Concerning the town of Henderson, and for other purposes.	123
To authorise persons prosecuted for felony in the county of Jessamine to be confined in the jail of Fayette.	124
For the benefit of James Blincoe's heirs.	125
For the benefit of the estate of Henry Ditto, Jr.	126
To establish election precincts in Woodford, Graves, Whitley and Henderson counties.	127
For the benefit of William P. Smith, John J. Smith, Francis J. Hopkins, and others.	128
To incorporate the Louisville and Bonharbour Coal Company.	130

For the relief of the heirs of Francis P. Hord, deceased.	132
Providing for settling the accounts with the keeper of the Penitentiary.	134
To amend an act, entitled, "An act to incorporate the City of Lexington."	135
For the relief of William Cecil and Benedict Morehead.	135
To authorise the Clarke Circuit Court to decree the sale of two and one-half acres of land, devised to William S. Downy and others.	136
To enlarge and explain the powers of the Trustees of the town of Frankfort.	137
For the benefit of the representatives of James Honaker, deceased.	139
To authorise the Bourbon County Court to levy a tax on the lands of the county.	140
For the relief of the heirs of Anna Maria Walsh.	141
To establish an election precinct in the county of Henry.	143
To change the place of voting in Everett's and Foreman's bottom precincts, in Lewis county.	143
For the benefit of Fanny Richardson and her children.	144
For the benefit of Flora N. C. Harding.	144
To appoint additional Justices of the Peace in certain counties, and for other purposes.	145
Allowing an additional Justice of the Peace to the county of Bath and for other purposes.	145
To authorise the County Court of Hardin county to appoint an Inspector for Westpoint and Elizabethtown in said county.	145
To allow an additional Justice of the Peace and Constable to the county of Washington, and an additional Justice of the Peace for the county of Shelby.	146
To provide for the improvement of the roads in certain counties.	146
To amend an act, entitled, an act for the benefit of Revolutionary Soldiers.	149
To amend the act, entitled, an act to improve the navigation of Salt river, approved 22d Dec. 1831.	149
To amend the law giving compensation to witnesses, and to increase their mileage.	150
For the benefit of Stephen Langford.	151
For the benefit of the infant heirs of Thos. Frazer, deceased.	151
For the benefit of Stephen Marcum.	152
For the benefit of the infant heirs of Caspar Hinton.	152
Further to enlarge the powers of the trustees of the town of Harrodsburg.	153
To repeal, in part, and amend the act incorporating the Lexington, Chilesburg and Winchester Road Company.	153
Concerning county levies in certain counties.	154
For the benefit of the widow and heir of Walker Thornton, deceased.	155
For the benefit of the devisees of John Branigan.	156
Concerning Mount Carmel, in Fleming county.	156
To amend the "Act providing for opening and keeping in repair the highways in the county of Fayette."	157

# CONTENTS.

To authorise the Clerks of the County Courts of Hopkins, Hancock and Union, and the Circuit Court of Harrison to transcribe certain records in their respective offices.	159
To authorise the Secretary of State to distribute certain military books.	160
To authorise the trustees of Cynthiana to close an alley in said town.	161
For the benefit of Spencer Curd's representatives.	161
To authorise the trustees of the town of Richmond to levy a tax to McAJamize the streets.	162
Limiting the time for which persons may be held to bail for their good behavior.	162
For the benefit of the Cumberland Hospital.	163
To amend an act, entitled, an "act for the benefit of the heirs of Samuel Shannon, deceased.	163
To incorporate the Greenwich Academy.	164
To extend the powers of the road commissioners of Bracken county.	165
To repeal the law now in existence in relation to Head-right settlers, and to dispose of the balance of the debt due from this class of debtors to the purposes of internal improvements.	167
Authorising the trustees of the Kentucky Baptist Education Society to emancipate a slave.	169
To remove the obstructions to navigation at the falls of Green river, and for other purposes.	170
To authorise an additional subscription on behalf of the Commonwealth in the stock of "The Board of Internal Improvement for Shelby county," and for other purposes.	173
To appropriate a sum of money for the purpose of improving the navigation of the Cumberland river at Smith's shoals and the Big South Fork of said river up to the coal banks.	174
To incorporate the City of Maysville.	178
Providing for opening a road from Taylorsville, in Spencer county, to Jeffersontown, in Jefferson county, and for other purposes.	193
Concerning the town of Adairsville.	193
Authorising the sale of slaves in certain cases.	194
To amend an act entitled, an act to authorize the establishment of private passways, approved December 13, 1820.	195
To establish the Louisville Bank of Kentucky.	195
To authorise an additional subscription on behalf of the Commonwealth in the capital or joint stock of "the Maysville, Washington, Paris and Lexington Turnpike Road Company," and to amend the several acts incorporating said company.	209
To amend and continue in force an act to incorporate the City of Louisville.	211
To incorporate the Louisville Hotel Company.	218
To incorporate a Rail Road Company from Bardstown to Louisville.	223
To incorporate the Crittenden School in the county of Franklin, and the New Providence School in the county of Mercer.	235
Supplementary to an act, entitled, "an act to establish the town of	

Taylorsville, and to legalize the proceedings of the trustees of said town," approved Jan. 22, 1833.	237
To amend an act, entitled, "an act to amend the law in relation to opening and repairing the public roads in certain counties," approved January 29, 1830.	238
To establish an election precinct in Bourbon county.	240
For the benefit of Eliza Badger.	241
For the benefit of Joseph Norris, surveyor of Scott county.	241
For the benefit of Jacob Miller, of Simpson county.	242
To legalize the proceedings of the court of assessment for the 34th Regiment of Kentucky Militia.	242
To authorise the insertion of advertisements in "The Commonwealth."	242
To amend the law imposing tax on merchandise.	243
To authorise the qualified voters of Hickman county to select either Moscow or Clinton for the permanent seat of justice for said county.	243
To provide for balancing the accounts of the Treasury with the Bank of the Commonwealth.	245
To amend the Penal Laws.	245
To provide for the location of the Lexington and Ohio Rail Road through the City of Louisville, and for other purposes.	246
To amend the law regulating proceedings in cases of Ejectments, and Forcible Entries and Detainers.	248
To amend the several acts against unlawful gaming.	250
To amend the law prohibiting the importation of slaves into this State.	258
To provide for improving the roads in the counties of Floyd and Perry.	261
Appropriating certain lands for improving the Cannon creek road, in Harlan county.	262
For the benefit of the Lexington and Ohio Rail Road Company.	263
To divide the State into Congressional Districts.	267
To incorporate a Company to establish a turnpike road from the City of Louisville by the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen, to the state line, in the direction to Nashville.	269
For the benefit of Samuel T. Fife, constable of Grayson county.	284
For the benefit of the children of John Mizner, deceased.	285
To amend the penal laws.	286
To appropriate a part of the vacant lands in Laurel county to make a road from London to the mouth of Big Laurel, and for other purposes.	286
To regulate the terms of the Jefferson Circuit and Oldham Courts.	289
For the benefit of Achilles Jasper, of Pulaski county.	291
To appropriate some of the vacant lands in Butler county for the purposes of internal improvement in said county.	291
To fix the terms of the Trigg circuit and county courts, and the county courts of Morgan.	292
For the improvement of the navigation of Big Caney, a branch of Rough creek.	292

## CONTENTS.

xi

For the benefit of Arch Lewis, a free man of colour.	293
For the benefit of the heirs of the late Charles Humphreys, deceased.	294
For the appropriation of money.	295
To authorise the sale of a public alley in the town of New-Castle.	299
To alter the time of holding the Spencer County Court.	299
To regulate the Circuit and County Courts in the Fifteenth Judicial District, and for other purposes.	300
To establish a Medical Institute in the City of Louisville.	300
To incorporate the Louisville Savings Institution.	302

## RESOLUTIONS.

A Resolution appointing a Joint Committee to examine the Lexington and Ohio Rail Road.	307
A Resolution to appoint a Joint Committee to examine and report the condition of the Government House.	307
A Resolution for appointing Joint Committees to examine the public Offices, the Bank of the Commonwealth of Kentucky, and the Bank of Kentucky.	307
A Resolution fixing a day for the election of Public Officers.	307
Resolutions in relation to the road leading from Lexington, through Winchester, Mount Sterling and Owingsville, to the mouth of Big Sandy.	307
Resolutions concerning the opening and improving the navigation of Green and Big Barren rivers.	308
A Resolution authorising the Public Librarian to have certain Acts of Assembly bound.	308
Resolutions concerning the opening and improving the navigation of Cumberland, Kentucky and Licking rivers.	308
A Resolution in relation to burning the notes of the Bank of the Commonwealth.	308
Preamble and Resolutions in relation to Nullifying Acts of Congress by a single State of the Union.	309
A Resolution in relation to an Arsenal for the security of the Public Arms and Accoutrements.	316



# ACTS

## OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF KENTUCKY.

CHAPTER 1.—AN ACT to authorise the insertion of advertisements in  
in certain newspapers.

1832.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful to publish in the newspapers called "The Cross and Baptist Banner," printed in the town of Frankfort, "The Western Sentinel," published at Elizabethtown in the county of Hardin, "Green River Gazette," published in Bowlinggreen, "The Newcastle Advertiser," printed in Newcastle, the "Champion of Freedom," printed in Russellville, and "The Louisville Herald and Commercial Gazette," published by Wilkins Tannehill, all orders, advertisements and publications, required by law, except such as are particularly required by law to be published in the paper of the Public Printer: and all publications made in said papers shall be as effectual as if made in any other newspaper in this commonwealth; and it shall be lawful for the editors of said papers to charge the like fees and make such certificates as are authorised to be charged and made by law.

[Approved December 10, 1832.]

CHAP. 2.—AN ACT to change the time of holding the Trigg Circuit Court,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the time of holding the Trigg circuit court shall be changed from the fourth Mondays in May, August and November, to the fourth Mondays in March, June and September.

Hereafter to be held on the 4th Mondays of March, June and Sept.

[Approved December 10, 1832.]

1832.

CHAP. 3.—AN ACT to authorise the publication of advertisements in  
 “The Augusta Telegraph and Bracken County Advertiser.”

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all advertisements required by law to be made in any authorised newspaper may be legally published in “The Augusta Telegraph and Bracken County Advertiser,” except such advertisements as are by law directed to be published exclusively in the paper of the Public Printer; all publications and advertisements made in said paper shall be as good and valid as if made in any other authorised newspaper of this state. And it shall be lawful for the printer or printers of said paper to make such certificates and charge such fees, as are authorised to be made and charged in any other authorised newspaper in this commonwealth.

[Approved December 10, 1832.]

CHAP. 4.—AN ACT for the benefit of Noah C. Summers, Clerk of Bullitt County Court.

May renew  
his office bond.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for Noah C. Summers, clerk of the Bullitt county court, to renew his bond as clerk of said court, at the next December or January court of said county, he having failed to renew his bond in the time prescribed by law; and said bond, when executed, shall be as effectual and binding in all respects as though it had been executed in the time prescribed by the act regulating the duties of clerks, &c. approved 23d January, 1810.

[Approved December 10, 1832.]

CHAP. 5.—AN ACT for the relief of the Sheriff of Garrard County.

Further time allowed to settle with the Treasurer.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the present sheriff of Garrard county be allowed, until the first day of February next, to settle and pay into the treasury of this commonwealth the revenue tax, which, by the existing law, is or may be due from him or his predecessor, and payable before that time.

Sec. 2. *Be it further enacted,* That the said sheriff may, and he is hereby authorised to return, to the



county court of Garrard county, at the December or January term next, a delinquent list of any militia fines which may be in his possession, and which should have been returned to the court for assessment of militia fines, directed by law to be held on the first Monday in November last; and it shall be the duty of the court to certify the same, under the rules and regulations which should have governed the court of assessment, if the return had been made to that court.

1832

Delinquent lists to be certified.

Sec. 3. *Be it further enacted*, That the sheriff shall be entitled to credit for all such delinquents, in the same manner and to the same extent as if returned to the court of assessment: *Provided*, That nothing in this act contained shall operate as a release of the securities of said sheriff; and before the said sheriff shall have the benefit of this act, he shall file with the auditor of public accounts their written consent to the same.

To be credited by delinquents.

Proviso.

[Approved December 10, 1832.]

CHAP. 6.—AN ACT to amend the law incorporating the town of Warsaw, late Fredericksburg, in Gallatin County.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the second section of the act, entitled, "An act incorporating the town of Warsaw, late Fredericksburg," in the county aforesaid, be, and the same is hereby repealed; and that it shall be lawful for all free male citizens residing in the town aforesaid, who have attained to the age of twenty-one years, and are entitled to vote for representatives, to vote for trustees for said town.

Citizens to elect trustees.

Sec. 2. *Be it further enacted*, That the trustees of the town of Warsaw, and their successors in office, shall have the power to collect the taxes of said town by a warrant in their name, before any acting justice of the peace in said county.

May collect taxes by warrant.

Sec. 3. *Be it further enacted*, That the said trustees shall have the power to collect as aforesaid, all taxes that have been heretofore assessed by the trustees of said town and have not been paid.

May collect taxes heretofore assessed.

Sec. 4. *Be it further enacted*, That the citizens residing in the said town shall be exempted from working on any public road farther than the limits of said town: and that this law shall be in force from and after its passage.

Working on roads.

[Approved December 15, 1832.]

## LAWS OF KENTUCKY.

—AN ACT for the benefit of the heirs of Smith Alexander, deceased.

Whereas, it is represented to the General Assembly that Smith Alexander, of Wayne county, some years since departed this life intestate, leaving a widow, Ellinor Alexander, and David S. Alexander, Francis M. Alexander and Polly Ann Alexander, his infant heirs and legal representatives, and that administration of his estate was granted by the county court of Wayne county unto Henderson Coffy, and that the whole of the personal estate has been applied to paying the debts of the said Smith Alexander: And, whereas, it is represented that there yet remains unpaid, of the debts of the said Smith Alexander, dec'd. about four hundred dollars: And, whereas, it is further represented, that the said Smith Alexander died seized and possessed of two or more tracts of land, lying in Wayne county, worth something like one thousand two hundred dollars, and that if said land is sold under a judgment of the court to pay the debts of the said Smith Alexander, deceased, it must be greatly sacrificed: And, whereas, it is further represented, that the said Ellinor Alexander, as guardian for the aforesaid infants, did present a petition to the judge of the Wayne circuit court, praying that said land might be sold to pay the debts of her said husband, and that said court dismissed said petition, alleging that he had no authority to decree a sale: For remedy whereof,

The Wayne circuit court authorized to decree a sale of certain lands belonging to said heirs upon a proper case made out.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the said David S. Alexander, Francis M. Alexander and Polly Ann Alexander, by their guardian, to file a bill or petition in chancery, in the Wayne circuit court, setting forth the reasons and causes why they desire a sale of the tract of land: and it shall be the duty of the court on the hearing of the cause, if it shall appear to the court that it will advance the interests of the infants, to direct a sale of the land, directing the sale to be made in such manner as he shall think most advisable for the interest of the heirs, subject however to the final ratification of the court; and the judge, on confirming the sale, shall and may make such order or decree for the distribution of the estate, after the debts are paid, as may seem reasonable, not inconsistent with the statute of distribution. It shall

Moreover, be the duty of the judge to take bond and security of the commissioner appointed to make the sale, for the faithful discharge of the duties assigned him by the said decree, and for the paying over of the money arising from the sale, and to make such other order in the premises as will, in his judgment, most redound to the interest of said infants, and the security of said estate: and upon the purchase money being paid, the said infants, by their guardian, together with the commissioner, may convey the title to the purchaser or purchasers.

1832.

Part of the proceeds to be applied to the payment of debts, and the balance distributed.

[Approved December 15, 1832.]

CHAP. 8.—AN ACT to authorise the sale of Lebanon Meeting House, in the County of Todd.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That T. M. Ewing is hereby appointed commissioner under this act, to sell on a credit of three months the Lebanon meeting house, in the county of Todd, and four acres of land attached thereto, and to convey title by deed to the purchaser.

A comm'r appointed to make the sale and conveyance.

Sec. 2. *Be it further enacted*, That the said T. M. Ewing, commissioner as aforesaid, shall give bond and security to the county court of Todd county, in the penalty of five hundred dollars, to apply the proceeds of the sale of said meeting house to finish another meeting house, now in progress, in the town of Elkton.

To give bond and security, &c

[Approved December 15, 1832.]

CHAP. 9.—AN ACT to repeal in part an Act to amend the law concerning the trustees of the town of Glasgow, and for other purposes, approved January, 1831.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the first, fifth, sixth, eighth and fourteenth sections of an act, entitled, "An act to amend the laws concerning the powers of the trustees of the town of Glasgow, and for other purposes," approved January 16th, 1831, be, and the same are hereby repealed.

Certain sections of the act of 1831 repealed.

Sec. 2. *Be it further enacted*, That the trustees of the town of Glasgow shall have power to sell all or any one of the cross streets in the Southern addition of said town, first having advertised the time and place

The trustees authorized to sell and convey certain cross streets in said town.

1832.

To impose fines  
on theatrical  
exhibitions.

Upon exhibi-  
tions of ani-  
mals or shows.

Not to impose  
taxes exceed-  
ing 50 cents on  
the \$100.

Half of the  
taxes to be ex-  
pended in pav-  
ing the streets.

The grave-yard  
to be kept en-  
closed.

Repealing  
clause.

of said sale at least one month upon the court-house door: and upon the purchase money being paid to the said trustees they shall convey the title to the purchaser or purchasers.

Sec. 3. *Be it further enacted*, That the said trustees shall have power to make by-laws, or ordinances, imposing fines upon any theatrical company that may perform any play or farce within the limits of said town of Glasgow.

Sec. 4. *Be it further enacted*, That the said trustees shall have power to impose fines upon all exhibitions of animals, or other shows or exhibitions that are showed, exhibited or played, for money or property, within one-half mile of Glasgow.

Sec. 5. *Be it further enacted*, That the trustees of said town shall not levy any tax upon property in said town to exceed fifty cents upon each hundred dollars worth of property, nor levy any poll tax to exceed one dollar per head.

Sec. 6. *Be it further enacted*, That said trustees shall yearly lay out and expend at least one half of the money arising from taxes and fines in paving with stones, upon the McAdams' plan, the streets of said town of Glasgow, paving first the street fronting the public square.

Sec. 7. *Be it further enacted*, That the said trustees of the town of Glasgow shall, within six months after the passage of this act, cause the grave-yard in the town of Glasgow to be enclosed with a good substantial post and rail fence: and they shall, whenever it is necessary, have said fence rebuilt, so as to keep said grave-yard always enclosed.

Sec. 8. *Be it further enacted*, That all laws, or parts of laws, that come within the purview of this act, be, and the same are hereby repealed.

[Approved December 15, 1832.]

CHAP. 10.—AN ACT to authorise the erection of a building for the use of a Public Library, on the public square in Richmond.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the officers of the Madison library be permitted to erect a suitable building for the use of said library, upon such part of the public square in the town of Richmond as the county court of Madison may designate.

[Approved December 15, 1832.]

CHAP. 11.—AN ACT for the benefit of Mary Ann Patterson.

1832.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the marriage contract heretofore existing between Mary Ann Patterson and Hugh I. Patterson, her husband, be, and the same is hereby dissolved.

[Approved Dehember 15, 1832.]

CHAP. 12.—AN ACT supplemental to "An Act for the benefit of the Sheriff of Garrard County.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county court of Garrard county may, and it is hereby authorised, to receive and certify any delinquent list of revenue tax or county levy, that may be presented and verified in the mode pointed out by law, by the sheriff of Garrard county, at the January term next of said court.

County court to certify delinquent lists.

[Approved December 18, 1832.]

CHAP. 13.—AN ACT adding Edmonson County to the Sixth Judicial District, and for other purposes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county of Henderson shall be attached to, and form a part of, the seventh judicial circuit; that the county of Butler shall hereafter be attached to, and form a part of, the fourteenth judicial circuit; and the county of Edmonson shall hereafter be attached to, and form a part of, the sixth judicial circuit.

Henderson added to the 7th district; Butler to the 14th, and Edmonson to the 6th.

[Approved December 18, 1832.]

CHAP. 14.—AN ACT to legalise the proceedings of the Greenup County Court, at their last November Term.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the proceedings of the Greenup county court, at their last November term, in laying their county levy and liquidating the claims of said county, and all other business done at the said term of said court, shall be, and are hereby declared, legal and valid, to all intents and purposes, as if the same had

1832. been done at their usual term designated by law, and  
by the number of justices required by law.

[Approved December 18, 1832.]

CHAP. 15.—AN ACT repealing an act, declaring Dick's River navigable.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act, entitled, "An act declaring Dick's river navigable, approved January the seventh, one thousand eight hundred and twenty-four, shall be, and the same is hereby repealed.*

[Approved December 18, 1832.]

CHAP. 16.—AN ACT for the relief of Jailors.

Jailors may re-  
new bonds.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for any jailor, in any county in this commonwealth, who has failed to renew his bond, to do so on or before the first day of May next, which, when done, shall be as valid as if done in the time now prescribed by law.*

[Approved December 18, 1832.]

CHAP. 17.—AN ACT to change the first Constable's District, in Washington County.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the first constable's district in the county of Washington, be, and the same is hereby, enlarged and extended, by continuing the line running on the road from Bardstown to Springfield, up Main street in the town of Springfield, so as to include in said district the house and lot now occupied by Abner Short, and not to include any other lot or part of lot of the said town of Springfield.*

[Approved December 18, 1832.]

CHAP. 18.—AN ACT to change the names of Matilda McNutt and John McNutt, to those of Matilda Bayse and John Bayse.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the names of Matilda McNutt and John McNutt, the children of Adasha McNutt, be,*

and the same are hereby, changed to the names of Matilda Bayse and John Bayse: and that by these names they shall be hereafter called and known. 1832.

[Approved December 18, 1832.]

CHAP. 19.—AN ACT regulating the Ferry at the mouth of the Big Kentucky River, in Gallatin County.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act it shall be, and is hereby made, the duty of the keeper of the aforesaid ferry, either as renter or otherwise, to set over all qualified voters living on the South side of said river, in the county aforesaid, going to, and returning from, any election for Governor, Lieutenant Governor, Representatives, or Electors for President and Vice President, free of any charge during the continuance of said elections. Ferry keeper not to charge voters going to elections.

Sec. 2. *Be it further enacted*, That the county court of said county shall allow the said ferry-keeper, for his services, the sum of two dollars and fifty cents per day for every day thus employed. County court to make him an allowance.

Sec. 3. *Be it further enacted*, That if the keeper of said ferry should fail to set over any qualified voter living on the South side of said river, and in the county aforesaid, either going to, or returning from, any of the elections aforesaid, that the said ferry-keeper shall be fined any sum not less than ten dollars nor more than twenty, to be recovered before any justice of the peace for said county by warrant, on the motion of any individual, one half going to the benefit of the informer, the other half going to lessen the county levies of said county. Penalty for failing to ferry over voters.

[Approved December 18, 1832.]

CHAP. 20.—AN ACT for the benefit of Jeffersontown.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of Jeffersontown in the county of Jefferson, shall have full power and authority to cause an annual assessment of the value of all the lots within said town, with the improvements thereon, to be made by an assessor appointed by them, from time to time, and to levy and collect an annual tax on the same, not exceeding five hundred Trustees may levy and collect a town tax.

1832. dollars per annum, on the *ad valorem* principle. The assessor shall be sworn to make a just and true valuation of all the lots within said town, with the improvements thereon, and to make a fair list and return thereof to the trustees, who may give him a reasonable compensation for his time.

Inhabitants to  
work on roads  
or pay a tax.

Sec. 2. *Be it further enacted*, That the trustees of said town may require the assessor to take a list and make return of all the male titheables within said town: and they shall have full power and authority to require said titheables to work the streets of said town, and the roads which the inhabitants of said town may be required to keep in repair, as often and as many days in each year as may be necessary to keep the streets and roads in repair: or they may, in their discretion, levy and collect a tithe tax of sixty-two and one-half cents on each titheable within said town, for each day it may be required of them by the trustees to work the streets and roads: *Provided*, That each titheable shall have the right to pay his tithe-tax in labor on the streets and roads, at the rate of sixty-two and one-half cents per day: *And provided*, That the inhabitants of said town shall not be required to work any public road leading from said town beyond the limits thereof, except the road leading from Louisville through Jeffersontown, towards Howard's mill on Floyd's fork, which road they shall keep in good order and repair one-half mile each way beyond the limits of said town; and all other laws in relation to the power of the trustees of said town, to levy and collect a tax within the same, are hereby repealed.

Proviso.

Proviso.

[Approved December 18, 1832.]

CHAP. 21.—AN ACT for the benefit of Louisa Meriwether.

Whereas, it is represented to the present General Assembly, that by a decree of the Floyd circuit court in the state of Indiana, James Meriwether, formerly the husband of said Louisa, has obtained a divorce from his said wife, and has married another woman. Therefore.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That said Louisa Meriwether shall be, and she is hereby, divorced from her said husband, James Meriwether, and she is hereby restored to all the rights and privileges of an unmarried woman.

[Approved December 20, 1832.]



CHAP. 22.—AN ACT for the benefit of James Parrish.

1832.

Whereas James Parrish, of the county of Woodford, has represented to the General Assembly that a road of but little public utility, leading from the Shawney run road to the Kentucky river, at a point where there is neither ferry nor warehouse, passes through his land, and from its present state is peculiarly oppressive to him: For remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county court of Woodford be, and the same is, hereby authorised to allow the said Parrish to erect and keep gates on said road, where it passes through his tract of land, under such modifications as said court shall prescribe: *Provided, however,* That the concurrence of a majority of the justices of the county of Woodford shall be necessary in granting the leave to erect said gates.

[Approved December 22, 1832.]

CHAP. 23.—AN ACT for the benefit of Dicey Fletcher.

Whereas, it is represented to the present General Assembly, that George Fletcher has obtained a divorce from his wife, Dicey Fletcher, in the Floyd circuit court, and has since married another woman. Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said Dicey Fletcher be restored to all the privileges of an unmarried woman.

[Approved December 22, 1832.]

CHAP. 24.—AN ACT for the benefit of John Cook.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the marriage contract heretofore existing between John Cook and Betsey Cook, his wife, so far as the said John Cook is bound thereby, be, and the same is hereby dissolved: and the said John Cook shall, in all things, hereafter be considered an unmarried man.

[Approved December 22, 1832.]

1832.

CHAP. 25.—AN ACT to change the time of holding the Lewis and Greenup Circuit Courts, and for other purposes.

Time of holding courts in Lewis county.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Lewis circuit court shall hereafter commence on the second Monday in April, the second Monday in June, and the second Monday in October, and continue six juridical days if the business thereof require it.

Greenup.

Sec. 2. *Be it further enacted*, That the July term of the Greenup circuit court shall hereafter commence on the second Monday instead of the first Monday in July, and continue six juridical days if the business thereof shall require it.

Warren.

Sec. 3. *Be it further enacted*, That the law now in force, authorising a separate chancery term to be held in and for the circuit of Warren county, be, and the same is hereby repealed: and that the terms of the said Warren circuit court shall consist of eighteen juridical days instead of twelve, as heretofore, whenever there are five Mondays in any month in which said court is held.

Logan.

Sec. 4. *Be it further enacted*, That so much of the laws now in force, which authorises a separate chancery term to be held in and for the circuit of Logan county, be, and the same is hereby repealed: and that hereafter the Logan circuit court shall commence its terms on the first Mondays in April, July and October, and continue twelve juridical days if the business of the court require it; and the Allen circuit court shall hereafter commence its terms on the second Mondays in May, August and November, and continue six juridical days if the business of the court require it; and the Simpson circuit court shall hereafter commence its terms on the third Mondays in May, August and November, and continue six juridical days if the business of the court require it; and the Edmonson circuit court shall hereafter commence its terms on the first Mondays in May, August and November, and continue six juridical days if the business of the court require it.

Allen.

Simpson.

Edmonson.

Process, &c. when returned.

Sec. 5. *Be it further enacted*, That process and recognizances made returnable to and requiring appearances at the spring terms of the aforesaid courts, as now fixed by law, shall be returnable to and require appearances at the spring terms of said courts, as the same are fixed by this act.

Mercer added to the 12th judicial district.

Sec. 6. *Be it further enacted*, That the county of Mercer be, and is hereby added to, and shall hereafter compose a part of, the twelfth judicial district.

**Sec. 7.** *Be it further enacted,* That the county court of Simpson shall hereafter commence its terms on the third Mondays in each month in which there shall be no sessions of the circuit court in said county; and the county court of Allen shall hereafter commence its terms on the second Mondays in each month in which there shall be no sessions of the circuit court in said county.

1832.

Simpson county court.

Allen county court.

[Approved December 22, 1832.]

**CHAP. 26.**—AN ACT to authorise the sale of a part of the real estate of Everard Clark, to pay his debts.

Whereas, it is represented unto the General Assembly of this commonwealth, that Everard Clark, late of Barren county, died, having appointed William B. Cook and Braxton B. Courts his executors, and guardian to his infant and only child, Lucinda C. Clark: And, whereas, the said Cook and Courts have petitioned this legislature to authorise the Barren circuit court to decree a sale of part of the lands belonging to the estate of the said Everard Clark, deceased, to enable them to pay off the debts of the said Everard Clark, deceased. Wherefore,

Recital.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for William B. Cook and Braxton B. Courts, executors of the last will and testament of Everard Clark, deceased, and testamentary guardians of the infant daughter and only child of said Everard Clark, dec'd. to-wit: Lucinda C. Clark, to file their petition in the Barren circuit court, praying that they may be authorised to sell, for the purpose of enabling them to pay the debts of the said Everard, deceased, a tract of land lying in Barren county, on Little Barren river, containing one hundred and ninety acres: also, all the interest which the said Everard was entitled to, at his death, in and to a tract of land lying in Hickman county, containing six hundred sixty-six and two-third acres. also, a house and lot and some unimproved lots in the town of Edmonton, in Barren county; and on a petition being filed, if it shall appear necessary for the payment of said Everard's debts, and for the benefit of the said infant, Lucinda C. Clark, that then, and in that case, the circuit court of Barren shall order and decree that the executors and guardians aforesaid,

The Barren circuit court authorized to decree the sale of certain lands for the payment of debts.

1832.

Conveyance to  
be made, &c.

make sale of said lands and town property, either for money in hand or upon a credit, as the court may think best, or any part of it: and that the executors and guardians aforesaid, together with the said infant, make a conveyance of said lands and town property so sold, to the purchaser or purchasers; the said court shall take bond and good security from the said executors and guardians, for the faithful application of the money arising from the sale of the lands and town property aforesaid, according to the directions of its decree; it shall also be lawful for said court to make such other order or decree as may be necessary to the case.

[Approved December 22, 1832.]

CHAP. 27.—AN ACT for the benefit of Mary Goodwin.

Recital.

Whereas, it is represented to the General Assembly that Mary Goodwin, a lunatic, is entitled to a dower estate in seventy-eight acres of land, lying in Barren county, Kentucky, and there is not timber sufficient on said land to keep the fences in repair, and that the houses are decaying, and the rents producing but little: and the heirs of the said Mary Goodwin have petitioned the legislature to pass a law authorising a sale of said tract of land, representing that a sale will be for the interest of the said Mary Goodwin and the heirs. Wherefore,

The Barren  
circuit court au-  
thorized to de-  
cree a sale of  
certain land.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the heirs and representatives of Thomas Goodwin, late husband of the said Mary Goodwin, or any of them, to file their bill in chancery in the Barren circuit court, setting forth the reasons and causes why they desire a sale of the interest of the said Mary in said dower land, making the whole of the heirs, and the said Mary and her committee, parties: and it shall be the duty of the court to cause the heirs, said Mary and her committee, to be duly summoned: and if, on the hearing of the cause, it shall appear to the court that it will advance the interest of the said Mary Goodwin to sell her right, title and claim to the property, the judge shall decree a sale to be made, in such manner as he shall think most for the advantage of the said Mary Goodwin, subject however to the final ratification of the court; and the judge, on confirming

the sale, shall and may make such order or decree for the payment of the purchase money to the committee of the lunatic, or to such other person as the court may think proper, for the use and benefit of the said Mary Goodwin, and, if necessary, to take bond and security of the committee aforesaid, or other person, if directed to be paid over to any person other than the committee aforesaid, for the faithful payment of said money according to the decree of said court.

1832.

Sec. 2. *Be it further enacted*, That after confirming the sale, it shall be lawful for the court to cause the interest so sold to be conveyed to the purchaser by a deed in writing, to be signed and sealed by a commissioner to be appointed by the court, which deed shall be exhibited by the commissioner and acknowledged by him in open court, and, after being approved by the court, shall be entered at large on the order book, and be effectual to pass all the right, title and claim of said Mary to the purchaser.

And to cause a conveyance to be made to the purchaser.

[Approved December 22, 1832.]

CHAP. 28.—AN ACT for the benefit of the Sheriff of Scott County, and for other purposes.

Whereas, it is represented to the General Assembly of the commonwealth of Kentucky, that the sheriff of Scott county, who acted as collector of militia fines assessed by the 77th and 12th regiments, in the year 1830 and 1831, failed to make due return of his delinquent lists. Wherefore,

Recital.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said sheriff on making oath, by himself or deputies, to said delinquent list or lists, before any justice of the peace for Scott county, Kentucky, and on producing the same, with the said justice's certificate of said oath thereon, to the paymasters of said regiments, shall receive a credit for the amount thereof on settlement of said delinquent list or lists, and the paymasters shall have the same credit allowed them on settlement of their accounts with the officers of said regiments.

Sheriff of Scott may return certain delinquent lists of militia fines to the Paymaster of the 77th & 12th Regiments and receive credit therefor.

Sec. 2. *Be it further enacted*, That the collector of fines in the 38th regiment of Kentucky militia, shall have full power to collect all fines assessed by the court of assessment of said regiment for the years eighteen hundred and thirty and eighteen hundred and thirty-one.

The collector of fines in the 38th Regiment authorized to collect the fines assessed for 1830 and 1831.

[Approved December 22, 1832.]

1832.

CHAP. 29.—AN ACT to amend An Act requiring Tavern keepers, Pedlars, and the owners of covering Horses and Jacks, to pay taxes in advance, and obtain license, approved December 22, 1831.

The owners of covering horses, &c. may stand them in any county in the state.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the owners of covering horses and jacks, after obtaining a license, to stand such horse or jack in any county or counties in this commonwealth, during the continuance of the license.

[Approved December 22, 1832.]

CHAP. 30.—AN ACT continuing in force the law providing for the appointment of Commonwealth's Attorneys.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the provisions, now in force, of an act, entitled, "An act providing for the appointment of commonwealth's attorneys," and which was approved January the twelfth, one thousand eight hundred and thirty-one, shall continue, and remain in force, for two years, from and after the end of the present session of the General Assembly: *Provided,* That should the present session of the Legislature not end before the twelfth day of January next, the provisions aforesaid of the act aforesaid are not to cease to be in force, but they shall continue and remain in force from the passage of this act until the expiration of the two years aforesaid.

[Approved December 22, 1832.]

CHAP. 31.—AN ACT to regulate the fines and forfeitures of Russell county.

The fines and forfeitures arising in said county to be applied to the erection of the academy.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the funds on hand, and not paid over, and those hereafter arising from fines and forfeitures in the county of Russell, be, and the same is hereby directed to be applied to the erection of the Russell Academy; and that the trustees of said academy are hereby authorised and directed to receive the funds aforesaid, and to cause said academy to be erected so soon as the funds they may have on hand may enable them to do so.

[Approved December 22, 1832.]

CHAP. 32.—AN ACT authorising the County Courts of Jessamine and other counties to appoint, in their respective counties, additional Constables and Justices of the Peace.

1832.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the passage of this act, the county court of Jessamine county be, and the same is hereby, authorised to appoint an additional constable for said county, who shall reside on the East side of the Hickman road; that the county of Montgomery is allowed an additional constable, to reside in the neighborhood of John Grove's; and the county court of Jefferson may also appoint two additional constables for the city of Louisville; and the county court of Calloway may likewise appoint one additional constable, who shall reside in the neighborhood of Asaph Jetton, Esq.; that the county of Clay shall be allowed one additional constable, who shall reside in the East end of the county; the county court of Harrison may appoint one additional constable for said county, who shall reside within the bounds of Capt. William Shanhan's company of militia; and the county court of Caldwell may appoint one constable in addition to the number now allowed by law, who shall reside in the neighborhood of Abner Smith, on the waters of Tradewater; that there shall be allowed to the county of Pulaski one additional constable, to reside in the immediate neighborhood of Cornelius Whelden, and likewise one justice of the peace in addition to the number now allowed by law; that there shall be allowed to the county of Wayne one additional constable, to reside on Rock creek, or the Big South fork, and one additional justice of the peace, to reside in the neighborhood of the Stone coal mines, on the Big South fork; and that an additional constable be allowed to Russell county, to reside in the Horse shoe or Beaver creek bottom; and that one additional constable be allowed to the county of Pulaski, to reside in the neighborhood of William Sears, near the Stone coal banks; and that there be allowed an additional constable to the county of Graves, to reside in the North end of said county.

Additional constables to be appointed in Jessamine.

Montgomery.

Jefferson.

Calloway.

Clay.

Harrison.

Caldwell.

A justice and constable in Pulaski.

A justice and constable to Wayne.

An additional constable in Russell, Pulaski and Graves.

[Approved December 23, 1832.]

1822.

CHAP. 33.—AN ACT to authorise the sale of certain lands of Edmund H. Taylor.

Recital.

Whereas, it is represented to the present General Assembly, that Edmund H. Taylor [of] Jefferson county, was some years since found, by a judicial proceeding of the Jefferson circuit court, to be a person of unsound mind and a lunatic, and he still remains in that condition: and that subsequent thereto certain judgments have been obtained against him in said court, in the name of Levin Lawrence, for the use of Geiger, one in the name of Thompsons & Bayliss, one in the name of Edward Tyler's executors, and one in the name of William C. Clarke & Co.: and that said executions were levied on a tract of about one hundred and thirty or one hundred and forty acres of land, the property of said Edmund, on the North side of the North fork of Goose creek, in said county, and sold for specie to Lemuel Loughery for much less than its value, and the time for its redemption is about to expire, and Eloisa Taylor, the wife of said Edmund Taylor, has petitioned this Legislature for power to sell the said tract of land, for the purpose of meeting a redemption from said Loughery: and also for power to sell twenty-eight acres, three roods and twenty poles, adjoining said tract purchased by Loughery, which, on an accurate survey, contains one hundred and thirty-nine acres.

Comm'rs appointed to make sale of a certain tract of land, &c

Sec. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky*, That Eloisa Taylor and Lee White, both of Jefferson county, be, and they are hereby, appointed commissioners; and that they be, and are hereby, empowered to make sale of the tract of one hundred and thirty-nine acres of land, part of a military survey of three thousand acres patented to McKenzie, and which lies adjoining to and on the North side of the North fork of Goose creek, in said county, and known as the Kearney tract, and which has been purchased by Lemuel Loughery, under executions from the Jefferson circuit court in the names of Lawrence, for the use of Geiger, against said Taylor, Thompsons & Bayliss against the said Taylor, and Edward Tyler's executors and William C. Clarke & Co. against the same; that said commissioners are hereby authorised to make sale of said tract of land for cash in hand; and of the proceeds, that they are hereby authorised and empowered to pay so much of the proceeds of said sale, to said Loughery, as may be



necessary to repay the amount of his purchase money and interest paid by him, in virtue of the sales under the several executions mentioned in this act, and that they take separate receipts from said Loughery for the same, to be by them filed with the clerk of the Jefferson circuit court, and by him to be attached to the several executions under which said sales shall have been made; and said Loughery, on receiving from said commissioners his purchase money and interest, shall execute a release of all his title to the tract of land aforesaid to said Edmund Taylor, and acknowledge the same before the county court clerk of Jefferson, to be by him recorded: *Provided*, That no longer time shall be allowed for the proposed redemption than is allowed in other cases.

1832.

Duty of the commr's in relation thereto.

Sec. 2. *Be it further enacted*, That the said Eloisa Taylor and said Lee White, on having made the sale provided for in the first section of this act, and paid the amount due said Loughery, and received his release before herein provided for, are hereby authorized and empowered for, and on the part of, the said Edmund H. Taylor, to convey to the purchaser or purchasers of the said one hundred and thirty-nine acres of land, by deed in fee simple, with covenant of general warranty, to operate on and against said Edmund, his heirs, &c. in the same manner as though he had been able and capable in law, and had conveyed the same himself.

Comm'rs to convey to the purchasers, &c.

And whereas, by the representation of the said Eloisa, the said Edmund stands indebted to William Taylor for the purchase of three hundred and twenty acres of woodland, adjoining a tract of six hundred and twelve acres of cleared land owned by him, in said county, and that it is important to the interest of said Edmund that said woodland should be paid for and retained: and that said Edmund is the owner of twenty-eight acres, three roods and twenty poles of land, adjoining said one hundred and thirty-nine acres mentioned in the first section of this act, and which also binds on the North fork of Goose creek, and is also the owner of one hundred and eighty acres, two roods and twenty poles of land, adjoining the before mentioned small tract, and binding on said North fork of Goose creek, and that these two tracts could be now sold to advantage.

Further recital.

Sec. 3. *Be it therefore enacted*, That said Lee White and said Eloisa be, and they are hereby, appointed

Comm'rs authorized to set-

1832.

tle with Wm.  
Taylor and  
make sale of  
another tract of  
land.

commissioners, who are hereby authorised and fully empowered to settle with said William Taylor, and ascertain the balance due him from said Edmund H. Taylor: and that, having ascertained such balance, that they proceed so soon as may be convenient thereafter, and make sale of said tracts of one hundred and eighty acres, two roods and twenty poles of land, and of twenty-eight acres, three roods and twenty poles of land, both said tracts being the property of said Edmund, and situated, lying and being on the North side of the North fork of Goose creek, in Jefferson county, and both being parts of McKenzie's military survey; that they make sale on a credit of twelve, eighteen and twenty-four months, with interest from the date, retaining a lien on the land sold for the payment of the purchase money; and that, when the same shall be fully paid up, that said commissioners be, and they are hereby, fully authorised and empowered to convey the land so sold to the purchaser or purchasers, in the same manner, with the same warranty, and to have the same effect, as the deed authorised to be made in the second section of this act.

May maintain  
and prosecute  
suits if necessary.

To receive any  
conveyances of  
land.

Sec. 4. *Be it further enacted*, That said commissioners may maintain any action at law, or suit in equity, that may be necessary to recover from the purchaser or purchasers of the two last mentioned tracts of land, any money due on account of such sale or sales; and after paying off said William Taylor the amount due him, to be ascertained as aforesaid, that they take a conveyance in fee simple from said William Taylor to said Edmund Taylor, for said three hundred acres of land, according to the contract between him and said William, and cause the same to be duly authenticated and recorded.

Any surplus  
money, how to  
be disposed of.

Sec. 5. *Be it further enacted*, That should there remain any money in the hands of said commissioners arising from the sales aforesaid, after paying said Loughery and said William Taylor, and all reasonable expenses attending said sales, that said commissioners shall forthwith pay the same over on collection to such committee of said Edmund as may be hereafter appointed by the judge of the Jefferson circuit court, to be applied by the permission of said court in payment of any other of the debts of the said Edmund as said judge, on the petition of such committee, may direct: or, in case there be no debts, to be loaned out by such committee at legal interest, on good security,

and such interest to be applied, from time to time, by such committee, to the support of said Edmund and his family. 1833.

Sec. 6. This act shall be in force from its passage.  
[Approved December 31, 1832.]

CHAP. 34.—AN ACT for the benefit of Henry Waddle.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the act approved the 14th of January, 1830, as compels Henry Waddle to make his survey in a square, be, and the same is hereby repealed: and that the said Waddle is hereby authorised to have the land mentioned in the above recited act, surveyed according to the general law now existing appropriating the vacant lands of this commonwealth.

[Approved January 2, 1833.]

CHAP. 35.—AN ACT for the benefit of the Boone Academy.

Whereas, it is represented to this General Assembly, that in the act appointing Richard Collins, Erasmus Towzey, Edward S. Armstrong, Churchill Gaines, Nathaniel E. Hawes, Willis Calvert and James M. Preston, trustees of the academy established by law in Boone county, the said academy is erroneously called "the Burlington Academy," instead of "the Boone Academy," by which latter name it is designated and called in the act establishing said academy: and in said first named act said trustees are appointed as trustees of the Burlington Academy, when the academy established in said county is not known by that name, but by the name of the Boone Academy. Therefore, Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That said above named persons are now the trustees of the Boone Academy, and invested with all the powers of the original board of trustees: and they are hereby declared to have heretofore been the trustees of said academy, notwithstanding said mistake in calling them trustees of the Burlington Academy, in said first named act: and all acts which they have done as trustees of said Boone Academy, are declared as good and valid as if said mistake had never been made. Who declared trustees of Academy.

1833.

All fines and forfeitures in said county appropriated to said Academy.

**Sec. 2.** *And be it further enacted,* That all fines assessed and adjudged heretofore, against any person or persons in the county of Boone, for any breach of the peace, riot, rout or unlawful assembly, or for any misdemeanor or offence against the penal laws of this commonwealth, committed in said county, shall be appropriated to the benefit of said Boone Academy, and shall be paid over to the treasurer of the said board of trustees of said academy, by the justice of the peace, constable, sheriff, or deputy sheriff, who may hereafter collect the same, within thirty days after any such fine may be collected by any such officer: and all such fines shall be subject to the order and control, at all times, of the trustees of said Boone Academy.

And may be sued for and recovered by the trustees.

**Sec. 3.** *And be it further enacted,* That in case any such officer shall fail to pay over to said treasurer any such sum or fines by him collected, within said thirty days, that the trustees of said academy in their corporate name, at any time within two years thereafter, move against him, if a constable, before a justice of the peace in and for the county in which said constable lives, and if a sheriff or his deputy, before the circuit court held in the county in which said sheriff or his deputy lives, and if a justice of the peace, before some other justice of the peace in his county, and recover judgments in such motions against any such officer for the amount collected, with ten per cent. interest thereon from the time of collection till paid: which judgment, or any execution thereon, shall not be replevied, and shall be so endorsed by said justice of the peace or the clerk of said court: *Provided,* That said trustees shall give every such officer ten days notice, in writing, of any such motion.

Mode of proceeding therein.

The justices of Boone to make annually a report of the fines assessed by them.

**Sec. 4.** *And be it further enacted,* That it shall be the duty of the justices of the peace for Boone county to report the fines assessed and adjudged before them respectively, as now directed by law, and under the same penalty, to the county court of said county, at the court of claims annually; and all acts or parts of acts contrary to any thing herein contained are hereby repealed.

[Approved January 2, 1833.]

36.—AN ACT to regulate Election Precincts in certain counties.

**Sec. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of Clarke

county included in the following bounds, viz: Beginning at the mouth of Howard's upper creek, on the Kentucky river; thence up said creek to the mouth of the Dry fork, a branch of the same; thence up the Dry fork to Claiborne Cox's; thence with the road from said Cox's that runs across to the road leading from Winchester to the Red river Ironworks, until it intersects the same; thence with said Red river Ironworks' road to a fork of the same, near the house of Silas Evans, leading into the Stone quarry road, with said fork to the Stone quarry road, and with the same, passing the house of John Hulse, to a road leading into Montgomery; thence with said road to the Montgomery county line; thence with said Montgomery line until it strikes Red river; thence down Red river to the mouth thereof; thence down the Kentucky river to the beginning; shall belong to, and be a part of, the upper precinct in said county of Clarke.

1833.

Election precincts in Clarke

Sec. 2. *Be it further enacted*, That the elections in said precinct shall be held at the same place and under the same rules and regulations as heretofore: *Provided, however*, That it shall be lawful for the voters residing in the bounds of said precinct, and the one at Colbyville, to vote at the court-house of said county, if they should think proper so to do, but subject to the penalties prescribed by law for the offence of voting more than once at the same election.

Place of voting therein.

Voters may vote at the court-house.

Sec. 3. *Be it further enacted*, That the precinct in said county at Colbyville, shall be so enlarged as to extend from the dwelling house of George W. Franklin, in a straight line, to the dwelling house of Isaac Cunningham, including the same; thence with a line North East to the Bourbon county line; thence with the Bourbon county line to the Fayette line, and with said Fayette line to its junction with the former boundary of said precinct.

The Colbyville precinct in said county enlarged

Sec. 4. *Be it further enacted*, That the Southern precinct in the county of Caldwell, that lies between Cumberland and Tennessee rivers, be abolished: and that the people residing therein be permitted to vote at any other precinct or court-house in said county; and that the place of voting in the Northern precinct in said county be changed from Walter McChesney's to William McDowell's.

The southern precinct in Caldwell abolished.

Sec. 5. *Be it further enacted*, That all that part of Knox county included within the following bounds, to-wit: Beginning at the mouth of Four mile creek;

Election precinct established in Knox.

1833.

Place of voting therein.

Another precinct established in said county.

Place of voting therein.

Proviso.

County court of Knox to appoint judges and clerks to conduct elections therein.

thence running up said creek so as to include all the voters on said creek; thence with the dividing ridge between the waters of Stinking creek and Straight creek, to the head waters of the main right hand fork of Stinking creek; thence with a straight line to where the road crosses the ridge, between the head of the left hand fork of Stinking creek and Otter creek; thence to the mouth of Hammon's fork of Goose creek so as to include the voters on said fork; thence with the Goose creek road to the State road; thence with the State road to the beginning, shall be, and the same is hereby, formed into an election precinct, in said county of Knox, which shall be called and known by the name of the Stinking creek precinct: and that the qualified voters in said precinct shall meet at the house of Nashy Mills in said precinct, for the purpose of voting at all elections.

Sec. 6. *Be it further enacted*, That all that part of Knox county included within the following bounds, to-wit: Beginning at the mouth of Greasy creek; thence up Cumberland river to the Harlan county line; thence with said line to the Tennessee line; thence with said Tennessee line to the Whitley county line; thence with the line which divides Knox and Whitley to George Tye's; thence a straight line to John Cotrill's; thence to the mouth of the right hand fork of Brush creek, so as to include the voters on the fork of Little Poplar, on which said John Cotrill lives, and also those on the said right hand fork of Brush creek, to the place of beginning, shall be, and the same is hereby, formed into an election precinct in said county of Knox, which shall be called and known by the name of Greasy creek precinct: and that the qualified voters in said precinct shall meet at the house of John Furson in said precinct, for the purpose of voting at all elections: *Provided, however*, That nothing in this act shall prohibit the voters in either of the aforesaid precincts from voting at the seat of justice in said county of Knox, subject to the penalties prescribed by law for voting more than once at the same election.

Sec. 7. *Be it further enacted*, That the county court of said county shall, from time to time, appoint judges and clerks to attend in said precincts: and that they shall be entitled to the same allowances as are directed by law in similar cases.

Sec. 8. *Be it further enacted*, That there shall be, and is hereby, established an election precinct in the

the neighborhood of the Scaffle cave, at the house of Nicholas Ballard, (formerly occupied by John Hardwick,) in Rockcastle county; any qualified voter in said county shall have the right to vote in said precinct at each election required by law, but subject to the penalties now prescribed by law in case of voting at more than one place at the same election.

1833.

Election precinct established in Rockcastle.

Sec. 9. *Be it further enacted*, That it shall be the duty of the county court of said county, previous to each election required by law, to appoint judges and a clerk to superintend the said precinct, who shall be allowed the same compensation as is allowed in similar cases.

Judges and clerk to be appointed therein.

Sec. 10. *Be it further enacted*, That the officers holding elections in the Crooked creek precinct, in the county of Livingston, be permitted to hold the same in the meeting house at that place, by the consent of the person or persons having charge thereof.

Place of voting in Crooked creek precinct in Livingston.

Sec. 11. *Be it further enacted*, That the election precinct in the county of Hickman, heretofore holden at the house of William Holeman, shall hereafter be held at the house of William Elliott in said county.

Place of voting in the precinct in Hickman changed.

[Approved January 2, 1833.]

CHAP. 37.--AN ACT authorising the County Courts of Bath, Fleming and Franklin, to permit gates to be erected across certain public roads.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county court of Bath county may permit the owners or occupiers of land, on that part of the Old Ironworks road in Bath county, between the residence of Andrew Gudgel and John Harper, to erect gates across said road where the same passes over their land: that said gates shall be at least ten feet wide, and so constructed as to open and shut with convenience, and the same shall at all times be kept in good repair by the respective owners or occupiers of said land.

The county court of Bath authorized to permit the erection of gates across the old Iron Works road.

Sec. 2. *Be it further enacted*, That no order for erecting said gates shall be made, except a majority of the justices of said county court be present and composing the court: *Provided*, A majority of said justices shall have power to discontinue any of the gates erected under this act, when the public good shall require it.

A majority of the justices to concur therein.

Proviso.

Sec. 3. *Be it further enacted*, That the county court of Fleming may permit William Armstrong and Wil-

Gates permitted across a road in Fleming

1833. **liam H. Smith to erect gates across the public road leading down Allison creek, on that part of the road which passes over their land.**

Proviso.

**Sec. 4. *Be it further enacted,* That the said gates shall be at least nine feet wide, and so constructed as to open and shut with convenience, and the same shall at all times be kept in good repair by the respective owners: *Provided, however,* That a majority of the justices of said court shall have power to discontinue said gates, when the public good, in their opinion, shall require it.**

Gates permitted across a road in Franklin.

**Sec. 5. *Be it further enacted,* That Zachariah Lewis, of Franklin county, may erect gates across the road leading from Frankfort to Flat creek, under the same rules, regulations and restrictions, that are provided in the foregoing sections in relation to the erection of gates across the Old Ironworks road.**

[Approved January 2, 1833.]

**CHAP. 38.—AN ACT to change the place of voting, in an Election Precinct in Montgomery County; from Robert Gay's to John L. Martin's, and for other purposes.**

The place of voting in a precinct in Montgomery changed

**Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the place of voting in the election precinct in Montgomery county, called the Red river precinct, be, and the same is hereby, changed to the house of John L. Martin, near James Kirkpatrick's mill: and it shall be the duty of the county court of Montgomery county to appoint judges and a clerk of the election, who shall meet at the house of the said John L. Martin, and conduct the elections according to the laws of this commonwealth regulating elections.**

Also, in Cumberland.

**Sec. 2. *Be it further enacted,* That the place of voting in the Stockton Valley precinct, in Cumberland county, be, and the same is hereby, changed from the house of Pleasant H. Williams to Zimmerman's old farm, in the vicinity of John Shelly's and William Murray's.**

A precinct established in Cumberland.

**Sec. 3. *Be it further enacted,* That all that part of Cumberland county within the following boundary, viz: Beginning on the State line at the Monroe county corner; thence East with the State line so far as to include all the settlers on Sulphur Lick creek, and up the same to the head thereof; thence a straight line**



to the head of Galloway creek; thence down the same to its mouth; thence down Cumberland river to the Monroe county line; thence with the Monroe county line to the beginning; shall constitute an election precinct in Cumberland county, called and known by the name of Kettle creek precinct: and all the qualified voters residing within said precinct may vote in all legal elections at the house of Daniel Mirley: *Provided*, It shall be lawful for any of the qualified voters residing within said precincts to vote at the court-house of said county if they shall so elect.

1833.

[Approved January 2, 1833.]

CHAP. 39.—AN ACT increasing the jurisdiction of the Trustees of the town of Franklin, Simpson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the town of Franklin, Simpson county, are hereby authorised and empowered to close and shut up any alley or alleys in said town, and vest the title in said alley or alleys in the owner or owners of any lot or lots on either side thereof.

Trustees authorized to shut or close up the alleys of the town.

[Approved January 2, 1833.]

CHAP. 40.—AN ACT to legalise the proceedings of the Christian and Barren County Courts in appointing Commissioners of Tax, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the appointment of commissioners of the tax, made by the county court of Christian county at their present December term of said court, and the appointment of commissioners of the tax made by the county court of Barren county, at their last November term of said court, is hereby declared legal and valid to every intent and purpose, as it would have been if said appointments had been made agreeably to the existing laws.

The proceedings of the Barren and Christian county courts legalized

Sec. 2. *Be it further enacted*, That where any of the county courts of this commonwealth appointed commissioners of the tax at their November term, the same is hereby declared legal and valid to every intent and purpose, as it would have been if said appointments had been made agreeably to the existing laws.

And of all other county courts in relation to that subject.

[Approved January 2, 1833.]

1833.

CHAP. 41.—AN ACT to change the Constable's District in the 1st Battalion, 88th Regiment, K. M., and to change a Constable's District in the County of Estill.

Bounds of constable's district in Henry changed.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the bounds of the constable's district in Henry county, which is composed of the first battalion, in the 88th regiment of Kentucky militia, shall be, and the same is hereby, extended so as to include the town of New-Castle within the bounds of said district.

In Estill may be changed.

Sec. 2. *Be it further enacted*, That the county court of Estill county be, and the same is hereby, authorised to extend the boundary of the constable's district in said county, composed of the town of Irvine, to such extent beyond the limits of said town as said county court may deem expedient.

[Approved January 2, 1833.]

CHAP. 42.—AN ACT to amend the law concerning the Lunatic Asylum, and for other purposes.

The committees of lunatics may have such kept in the Asylum.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter the committee of any person, who may be regularly found to be a lunatic, shall have the privilege of having such lunatic kept in the Lunatic Asylum upon the same terms the state is charged: *Provided*, That the committee shall annually pay in advance the same sum paid by the state: *Provided, also*, That said committee shall have the privilege of providing any additional comforts beyond what are provided by the state at their own expense, and in such way as may be agreed upon by the keeper of said Lunatic Asylum and the committee of such lunatic.

Part of the act of 1831 repealed.

Sec. 2. *Be it further enacted*, That so much of the first section of the act, entitled, "An act to amend the law in relation to idiots," passed 2d day of December, 1831, as requires the circuit court to certify (in cases where idiots are removed from one county to another,) "that no application hath been made to the circuit court in which the inquest was found, and that none will be," shall be, and the same is hereby repealed; and hereafter no application shall be made in the county where the inquest is found, where a removal has taken place under the aforesaid recited act.

**Sec. 3.** *Be it further enacted,* That when it shall appear to the satisfaction of the court, that any idiot or lunatic is permitted to go at large, and, in the opinion of the court, is dangerous to the people of the neighborhood, it shall be the duty of said court to order said idiot or lunatic to the Lunatic Asylum.

1833.

Idiots or lunatics going at large may be ordered to the Asylum by the circuit courts.

**Sec. 4.** *Be it further enacted,* That idiots or lunatics thus ordered to the Lunatic Asylum, if they have an estate, the proceeds of which are sufficient to maintain the said idiot or lunatic in said asylum, the court shall make the necessary order to appropriate the same accordingly.

**Sec. 5.** *Be it further enacted,* That where, in the opinion of the physician and trustees of the asylum, any person confined in the asylum ought to perform moderate and necessary labor, it shall be lawful for the trustees and the manager to assign to any such person labor or work to perform: and where any person shall perform work which, in the opinion of the trustees, will entitle such person to an allowance or abatement out of advances made by the committee for the support of the lunatic, it shall be lawful and proper for the trustees to do so: and the said trustees are further authorised to sell or exchange the product of all such labor, or appropriate it in the best way they can, for the use of the asylum and comfort of the subjects of confinement.

Persons confined in the Asylum may be confined to moderate labor.

For which an allowance shall be made.

[Approved January 2, 1833.]

**CHAP. 43.—AN ACT** to allow the Independent Banks of this Commonwealth further time to settle their concerns.

**Sec. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the further time of three years, from and after the passage of this act, be allowed the several Independent Banks of this commonwealth to close their concerns: and during that time their agents may respectively sue and be sued, implead and be impleaded, and prosecute suits now depending in all courts of justice, as fully and completely as if the act approved February 4, 1828, entitled, "An act to authorise the stockholders of the late Independent Banks to elect agents to close the concerns of said banks, and for other purposes," had not expired,

Three years allowed to close their concerns.

1833.

The act of  
1830 revived  
and continued  
in force 3 years.

Sec. 2. *Be it further enacted*, That the act approved January 7th, 1830, entitled, "An act to allow the Independent Banks in this commonwealth further time to settle their concerns," be, and the same is hereby, revived and continued for the further term of three years, from and after the 7th day of January, 1833.  
[Approved January 2, 1833.]

CHAP. 44.—AN ACT to change the time of holding the Spencer Circuit and County Courts, and the County Courts of Shelby.

Circuit courts of  
Spencer when  
to be held.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the court for the circuit of Spencer, instead of commencing on the first Monday in February in each year, shall commence on the fourth Monday in November in each year, and shall continue six juridical days if the business of said court may require it.

Writs, subpoenas, &c. made  
returnable to  
the May term.

Sec. 2. *Be it further enacted*, That all suits and motions set for trial at the February term, shall stand for trial at the May term, and subject to the same rules and regulations as if the court had set at the February term: and that all writs and subpoenas made returnable to the February term stand returnable to the May term, and have the same effect as if they had been made returnable to the May term: and all recognizances and pleas of the commonwealth shall stand for trial and be returnable to the May term, in the same manner as they would at the February term.

County court of  
Spencer to hold  
a term in Feb.  
and Nov.

Sec. 3. *Be it further enacted*, That the justices of the county court of Spencer county shall hereafter hold an annual term on the second Monday in February, also a term on the second Monday in November in each year.

County courts  
of Shelby to be  
held on second  
Mondays of  
each month.

Sec. 4. *Be it further enacted*, That the county courts of Shelby county shall hereafter be held on the second Mondays in each month, instead of the third as now provided by law.

[Approved January 2, 1833.]

CHAP. 45.—AN ACT for the benefit of Allen Taylor.

Whereas, it appears to the present General Assembly, that two certificates for land issued to John Moore, that one of said certificates, No. 1000, issued

for lands in Warren county, and the other, No. 2449, is supposed to have issued for land in Logan county, and that said Moore sold Jonathan Rossell the tract of land in Warren, and that said Rossell thereafter sold said land to John McFadden, but in said sale stated the land to have been held by certificate, No. 2449, in consequence of which mistake the payments of the state price for one hundred and ninety-five acres, the amount of land surveyed on certificate number one thousand, have been applied to certificate number twenty-four hundred and forty-nine, although it does not appear that any survey hath ever been registered in the name of said Moore, or another, on said certificate, twenty-four hundred and forty-nine. It also further appearing to the Legislature that the title to the land, embraced in certificate number one thousand, is vested in Allen Taylor, who is unable to obtain a grant for said land, in consequence of the mistake in applying the payments as aforesaid, and the said Allen Taylor having applied to the Legislature for redress. For remedy whereof,

1833.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Register of the Land Office shall be and he is hereby authorised to issue a patent to said Allen Taylor, agreeably to the survey on certificate number one thousand aforesaid, without his paying the price on that certificate: *Provided, however,* That nothing in this act shall be so construed as to prevent the state, by suit or otherwise, from hereafter recovering from said Allen Taylor the amount on certificate, number one thousand, if it shall at any time appear that there is no error in the payments made, and that they have been properly applied to certificate two thousand four hundred and forty-nine.

[Approved January 2, 1833.]

CHAP. 46.—AN ACT for the benefit of George Coleman and others.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county court of Bath county may permit George Coleman to erect gates across Myers' mill road, or that part of the road which passes over the lands of said Coleman; and that the said court may likewise permit Jefferson Bailey

Permission given to erect gates across certain roads in Bath.

1833.

and Lewis Templeman to erect gates across the Forge mill road, which passes over the land of said Bailey and Templeman.

Sec. 2. *Be it further enacted*, That the said county court of Bath may permit James Robbins to erect gates across the Prickly Ash mill road, that passes over the lands of said Robbins.

How to be constructed, &c.

Proviso.

Sec. 3. *Be it further enacted*, That the aforesaid gates shall be at least ten feet wide and so constructed as to open and shut with convenience, and the same shall at all times be kept in good repair by the respective owners of said land: *Provided, however*, That no order for erecting said gates shall be made, except a majority of the justices is present and compose said court: *And provided, further*, That a majority of said justices shall have power to discontinue any of the gates erected under this act when the public good shall require it.

Similar power given to the Fleming county court.

Sec. 4. *Be it further enacted*, That the county court of Fleming shall have power, under the rules and regulations prescribed in the foregoing section, to grant permission for the erection of a gate or gates on the road leading from the mouth of Allison to James Andrews' mill, on the lands of Joseph Davis, and to discontinue the same whenever the public convenience may require it.

To the Fayette county court.

Sec. 5. *Be it further enacted*, That the county court of Fayette shall, in like manner, have power to permit the erection of a gate or gates across the road, known as Sidnor's road, passing through the land of Barbara Lydick, and to discontinue the same when the public convenience may require it.

Also to the county court of Clay.

Sec. 6. *Be it further enacted*, That the county court of Clay is authorised to erect a gate on the land of Francis Clark, where the road leading from Manchester to the mouth Red Bird passes through.

And to the Mercer county court.

Sec. 7. *Be it further enacted*, That it shall and may be lawful for the county court of Mercer to permit Robert B. McAfee and Thomas H. Dean to erect gates on the road leading from said McAfee's mill, on Salt river, to intersect the Frankfort road above said Dean's farm; and the said McAfee may also be permitted to erect gates on the road leading from his mill to Shawnee run ferry: *Provided*, That the said county court, at the time the order is made permitting gates to be so erected, shall specify in the order that said gates shall be made out of strong materials, at

least nine feet wide, and so constructed as to be easily opened and shut, and that the same shall be kept in good repair, at the expense of said McAfee and Dean; and the county court may, at any time, upon a failure to comply with the conditions required by this act, cause the said gates to be taken down, upon giving reasonable time to make any necessary or additional repairs which may be required by the court.

[Approved January 2, 1833.]

1833.

CHAP. 47.—AN ACT for the benefit of Gabriel Gaines' heirs.

Whereas, it is represented to the General Assembly, that Gabriel Gaines, late of Mercer county, departed this life some time since, leaving his estate in an embarrassed situation, and that administration of his estate was granted by the county court of Mercer unto Ezekiel F. Gaines, who has fully administered upon the whole of the personal estate of said Gabriel Gaines, and that there are yet some debts against the estate; and whereas, it is further represented that said Gaines died seized and possessed of thirty acres of land, divided from his house tract by a large public road. For remedy whereof,

Recital.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the said Ezekiel F. Gaines, administrator as aforesaid, to file his bill in chancery, in the Mercer circuit court, setting forth the reasons and causes why it is necessary that there should be a sale of said thirty acres of land, making the whole of the heirs parties. And it shall be the duty of the court to cause the heirs to be duly summoned, and further to appoint a guardian *ad litem* to answer for the infant heirs. And if on hearing of the cause it shall appear to the court that the whole of the personal estate (except slaves) of the said Gabriel Gaines had been exhausted in the payment of debts, and that there are other debts owing by the said estate, the judge shall order and decree a sale of said thirty acres of land to be made in such manner as he shall think most advisable, for the advantage of all concerned, subject however to the final ratification of the court; and the judge, on confirming the sale, shall and may make such order or decree as he thinks right and proper for the

A sale of certain lands authorized to be decreed by the Mercer circuit court.

1833.

Proceeds to be  
distributed after  
payment of  
debts.

distribution of the money, not inconsistent with the laws of this Commonwealth; and it shall be the duty of the court to take bond and security from the administrator aforesaid, for the faithful application of the proceeds of said tract of land, first, for the payment of the debts against the estate, and secondly, if there should be more than will satisfy the debts, then for the distribution of the balance among the heirs. And upon the purchase money being paid, the court shall order and decree the heirs to convey unto the purchaser or purchasers the title to said thirty acres of land, and make such other and further order in the premises as may be necessary to carry into effect the objects of this act, most to the benefit of said infant heirs.

[Approved January 2, 1833.]

CHAP. 48.—AN ACT in relation to the towns of Cynthiana and Lawrenceburg.

Elections for  
trustees of Cyn-  
thiana to be  
held annually.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all elections hereafter held for trustees of the town of Cynthiana shall be held at the court-house door, on the first Monday in January in each year, between the hours of nine and twelve o'clock, A. M.

The board to  
consist of five  
members.

Sec. 2. The board of trustees for said town shall consist of five housekeepers residing therein, any three of whom shall constitute a quorum for the transaction of business, and who shall receive the largest number of votes given at the time and place of an election by the free white male inhabitants residing in said town above the age of twenty-one years, and who shall have resided twelve months in said town.

Qualification  
of voters.

Polls to be re-  
turned to the  
clerk of the  
board.

Sec. 3. So soon as an election for trustees shall be held and over, the presiding officers shall return the polls to the clerk of the board, if one has been elected: and if none should have been elected, then to the person who is afterwards elected clerk: whose duty it shall be to copy said polls, in a book to be kept by him for that purpose, and give notice in writing to each person elected as trustee, of his election: whose duty, before he enters upon the office of trustee, it shall be to take the following oath or affirmation: I, A. B., do solemnly swear, or affirm, (as the case may be,) that during the time for which I have been elect-



ed a trustee, or so long as I may continue in office, for the town of Cynthiana, that I will use all due means and reasonable diligence for carrying into effect the rules, regulations and by-laws of said town, without fear, favor or affection, *so help me God.*

1833.

Trustees to take an oath of office.

Sec. 4. The justice who superintends said election for trustees, or the chairman, shall, and they, or either of them, are hereby authorised and required to administer the above oath to those who are elected, and certify the same to the clerk at the bottom of the return, signed by such justice or chairman, and to be recorded by the clerk.

May be administered by the chairman or a justice.

Sec. 5. Each board of trustees so elected, after being sworn as above, shall proceed to appoint some one of their own body, who shall at their meeting preside as chairman, and sign all orders of the board: and said board of trustees shall appoint or elect a clerk, to require him under oath to perform the duties of his office, and prescribe to him what those duties shall be; and it shall be the duty of said clerk, in addition to such duties as shall be prescribed by the board of trustees, to advertise publicly the time and place of holding the annual elections for trustees of said town, in conformity to this act, and to publish the by-laws and ordinances of said trustees, by fixing copies thereof, attested by himself, to the door of the court-house in said town; and it shall be the further duty of said clerk to keep, and present to the board of trustees, a fair statement in writing and true account of the funds of said town as may pass through his hands; and said trustees may allow such clerk, as a compensation for his services, any sum they may deem fair and reasonable.

A chairman to be appointed.

To appoint a clerk and assign his duties.

Duties of the clerk.

His compensation.

Sec. 6. It shall be the duty of the trustees of said town to appoint a town sergeant, who, upon oath as a sworn officer, it shall be required, if, when required to give notice to some one member of the board, of all persons who commit a breach of the laws or by-laws of said town, and whose further duty it shall be, to see that the provisions of this act, and the regulations made in pursuance thereof, shall be carried into effect.

To appoint a town sergeant.

His duties.

Sec. 7. That the trustees of said town are hereby authorised to tax the citizens thereof, in any sum, not exceeding two hundred dollars per annum, and to be levied in the following manner, viz: twenty-five cents on each white male inhabitant, residing in said town, above the age of twenty one years, and the balance

May levy and collect an annual tax.

1833.

Real estate  
may be sold for  
taxes in default  
of personal es-  
tate.

Time of re-  
demption al-  
lowed.

Conveyance to  
be made to the  
purchaser if not  
redeemed.

Trustees to ap-  
point an asses-  
sor of taxes.

His duty.

His valuation  
may be appeal-  
ed from.

Discount for  
prompt pay-  
ment of taxes.

Collector of  
taxes to be ap-  
pointed.

ratably and proportionably on real estate, wholesale and retail stores, and negroes, in said town; and the trustees shall have and retain a lien on the real estate upon which such tax is imposed for the payment thereof; and if personal estate of the owner or occupant of such real estate cannot be found in the county of Harrison, out of which said tax can be levied, the board of trustees shall have power and authority to direct the sale of so much thereof of said real estate as will pay the tax, causing the sale to be advertised at least ten days before the same shall be sold: but in case of any such sale, the owner or owners of any such estate so sold, or any person for them, shall have the right to redeem the same at any time within two years thereafter, by paying to the purchaser the purchase money, with twenty per cent per annum thereon. And if the owner or owners, or any of them, of any lot or part of lot so sold shall, at the time of such sale, be an infant, married woman or person of unsound mind, he, she or they shall have power to redeem the same at any time within one year after the removal of their disability, by paying to the purchaser his purchase money, with ten per cent per annum from the time of the purchase. And said board of trustees shall give to the purchaser of such property a certificate of his purchase, with the amount paid, and shall, and they are hereby authorised, by their chairman to convey the same by deed, when called on by the purchaser.

Sec. 8. It shall be the duty of the trustees of said town, in the month of February, in each year, to appoint some fit person to assess, on oath, the value of all taxable property in said town, taking into consideration the situation and local condition of each species of property, and return the same on or before the first day of the next month of May to the trustees, who shall cause the same to be advertised, at the court-house door, for public inspection; and any person feeling aggrieved by such valuation may apply to the board of trustees for redress. And if, during such month of May, for advertising such property, any person shall come forward and pay their taxes, they shall be allowed a discount of ten per cent; after said month, the trustees shall place the accounts in the hands of a collector and allow him ten per cent; and should he not be able to collect all sums due, within a month from the time he receives the list,

such collector shall proceed according to law, by distress, and receive lawful fees for doing the same, to be paid by the person whose property is distrained.

Sec. 9. If any trustee shall be known to violate this act, or any by-law made in pursuance thereof, he or they so offending shall be subject to a fine of double the amount which any other individual would be subject to for the same offence; and if a trustee be convicted of having acted corruptly in the violation of this act, or any by-law made in pursuance thereof, he shall be removed from office and rendered ineligible to the office of trustee for twelve months thereafter; and should the person making complaint swear before a justice of the peace that he has reason and verily believes that he cannot have a fair trial before the trustees, the complaint shall then be lodged with a justice of the peace, who shall forthwith call the person or persons so accused before him and appoint a time and place for the trial, and decide according to law and evidence: *Provided*, That on the application of either party trial shall be had before a jury, to be empannelled for the purpose. And upon the removal of any trustee from office the clerk of the board shall directly give ten days notice of the time and place of holding an election to fill such vacancy, which election shall be held as is already provided for in this act for the election of trustees.

Sec. 10. It shall be the duty of the clerk to make out a fair statement, in writing, in a book to be kept for that purpose, of all sums received and of all sums paid out, and from whom received and to whom paid, and for what purpose paid out; and to make out an account current for each year of the amount levied, receipts and expenditures, which account current said clerk shall advertise at the court-house door in said town, for at least ten days immediately preceding an election of trustees.

Sec. 11. The board of trustees shall annually appoint a collector of the town tax, who shall take an oath faithfully to discharge the duties of his office, and take from him bond, with security for the collection and payment of all sums he may be required to collect, payable to their treasurer or their order, and for the performance of such other duties as they may prescribe to him, which bond may be in such penalty as said board may require, payable to them and their successors in office, and may be put in suit for any

1833.

His power and duty.

Penalty on a trustee for violating this act or a bye-law.

A trustee may be removed from office.

Complaints may be removed from the trustees to a justice.

Proviso.

Vacancies in the board, how filled.

An annual account of receipts and expenditures to be made out and published.

Collector of taxes to be appointed annually.

To take an oath of office and give bond and security.

**1833.** breach thereof and judgment obtained thereon as in other cases of like nature; and said collector may be allowed such sum for his services as the board of trustees may think just and reasonable, and shall be entitled to a credit for all delinquencies which they may think proper; and the said collector shall have power and authority to distrain for and collect the taxes aforesaid as Sheriffs are allowed by law and required to distrain for taxes due the Commonwealth, and shall receive and collect the same fees as are due to Sheriffs for the like services.

May be sued on, &c.

His compensation, powers and duty.

Remedy against the collector for failing to collect or pay over taxes.

Collector to be furnished with a tax list.

Jurisdiction and powers of the trustees.

May impose fines for shows, exhibitions, &c.

The justices to enforce the by-laws, &c.

Fines, how to be applied.

Treasurer to be appointed.

To give bond, &c.

**Sec. 12.** That if the said collector shall fail or refuse to collect and account for the taxes put into his hands for collection, judgment shall and may be rendered against him and his security, on their bond, for the amount of their delinquency, and twenty per cent. in addition thereto, and costs of suit; and it shall be the duty of the clerk of the board of trustees to make out annually a list of the taxes assessed by said board, containing the names of the persons from whom the same is payable, and the amount due from each, and certify the same, and deliver it to the collector for his government in making such collection.

**Sec. 13.** The trustees of the town of Cynthiana shall have jurisdiction over all horse-racing in the streets of said town, and playing at long-bullets within the town limits, and shall have jurisdiction for one-half mile in all directions from the town limits over all shows and showmen of all descriptions, pedlars and auctioneers, and all exhibitions and performances where money is charged for admittance or a sight thereof, under such penalties as they may choose to impose; and it shall be the duty of all justices of the peace in Harrison county to take jurisdiction of all offences against the provisions of this act, or against the laws and ordinances of said board of trustees made by authority thereof, and to render judgment and award execution thereon: and all fines and penalties imposed by this act, or by the by-laws and ordinances of said board of trustees, shall be recoverable in the name of the trustees of the town of Cynthiana, and be applied towards keeping the streets and alleys of said town in good order and repair.

**Sec. 14.** The said board of trustees shall have power to appoint a treasurer, and to take from him bond and sufficient security for the faithful performance of his duty; and a majority of said trustees of said town

shall have power to remove at pleasure any officer appointed by them under the provisions of this act, or the by-laws and ordinances made in pursuance thereof.

1833.

Sec. 15. All advertisements directed by this act, or which may be directed by the by-laws of the trustees of the town of Cynthiana, shall be put up at the courthouse door and at two other of the most public places in said town, by the clerk of the board of trustees.

Advertisements where to be set up.

Sec. 16. No trustee of said town shall by himself contract for, or procure any other person to contract for him, for any public work let out or disposed of by the board, during his continuance in office as a trustee.

No trustee to be concerned in any contract for work, &c.

Sec. 17. That the said board of trustees shall have power and authority to make and enforce all such by-laws and ordinances, for the better regulating the good order and police of said town, as they may deem expedient, and which shall not be inconsistent with the Constitution of the United States or of this State, or the laws of either.

The trustees authorized to enact by-laws for the government of said town.

Sec. 18. That the said trustees may, by the name of the trustees of the town of Cynthiana, contract and be contracted with, sue and be sued in any court in this commonwealth: and all fines and penalties, together with the taxes levied or to be levied under the provisions of this act or of the by-laws and ordinances of the said board of trustees, shall be applied as herein before mentioned, and to the use and benefit of said town as they may deem proper.

Corporate powers conferred on the trustees.

Sec. 19. *Be it further enacted, by the authority aforesaid,* That the owner or owners of town lots, or parts thereof, in the town of Lawrenceburg, who may at the time reside in the county of Anderson, shall be authorised to vote for trustees for said town, in the same manner as the citizens of said town now have by law.

The owners of lots in Lawrenceburg may vote for trustees

[Approved January 2, 1833.]

CHAP. 49.—AN ACT to regulate the Jefferson and Oldham circuit courts.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That now, and after the passage of this act, there shall be three terms of the Jefferson circuit court, for the trial of common law causes, the first to commence on the second Monday of March, the second on the second Monday of June,

Three terms for the trial of common law causes in Jefferson.

To be held in March, June

1833.

and October  
annually.

Two terms for  
the trial of  
chancery causes  
to be held in  
April and Nov.

Five terms for  
the trial of the  
pleas of the  
Commonwealth  
to be held in  
February,  
May,  
July,  
August  
and  
December.

Preparatory  
orders, motions  
to dissolve in-  
junctions, &c.  
in chancery  
causes, may be  
made at the  
common law  
terms, and de-  
crees made and  
entered.

Oldham circuit  
court to be held  
in February,  
May and Sept.

and the third on the first Monday of October in each and every year, and to continue each twenty-four juridical days, if the business of said court shall require it.

Sec. 2. *Be it further enacted,* There shall be two terms of said court in each and every year hereafter, for the trial of chancery causes, the first to commence the third Monday in April, and the second to commence on the first Monday in November in each and every year, and to continue twenty-four juridical days each, if the business of said court shall require it.

SEC. 3. *Be it further enacted,* That there shall be five terms of the Jefferson circuit court in each and every year hereafter, for the trial of pleas of the Commonwealth, the first to be held on the first Monday in February, the second on the third Monday in May, the third on the third Monday in July, the fourth on the fourth Monday in August, and the fifth on the fourth Monday in December, and each of said terms to continue twelve juridical days, if the business shall require it.

SEC. 4. *Be it further enacted,* That at the common law aforesaid courts, motions to dissolve injunctions and restraining orders may be made and heard, and all orders and steps taken preparatory to the preparation of chancery causes for trial; and at said terms interlocutory orders may be made for the sale and disposition of attached property and effects, and that at any of the common law terms the court may deliver and record decrees in chancery causes which may have been submitted or held under advertisement.

Sec. 5. *Be it further enacted,* That there shall be three terms of the Oldham circuit court, in each and every year, the first to commence on the third Monday in February, the second on the third Monday in May, and the third on the second Monday in September, and each of said terms to continue twelve juridical days, if the business of said court shall require it.

[Approved January 3, 1833.]

CHAP. 50.—AN ACT to authorize the recording of deeds remaining unrecorded in the Clerk's Office of the Logan County Court at the death of the late Clerk.

Recital.

Whereas, it is represented to the present General Assembly, that the clerk of the Logan county court

1833.

has lately died, leaving in his office unrecorded many deeds for the conveyance of land, some of them having been fully proved or acknowledged, others partially proved or acknowledged, as appears by memorandums endorsed on said deeds in the handwriting of the late clerk, or some of his deputies: and there are doubts whether said deeds can be recorded upon the evidence of said proof or acknowledgement. For remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That when it shall appear to the satisfaction of the present clerk of said county court, upon his own knowledge of the handwriting of the late clerk or his deputies, or upon proof of others who may know the same, (and whom he is hereby invested with power to examine on oath,) that the endorsement made upon any of said deeds of the proof or acknowledgement of the same, is in the handwriting of the late clerk of said court or any of his deputies, to record the same; and when he shall be satisfied of the same facts, as to the handwriting of the late clerk or any of his deputies, where partial proof or the same shall have been acknowledged by a part of the grantors, he shall have the same power to take the proof of the other subscribing witness or witnesses, or of receiving the acknowledgement of the party or parties, that the late clerk had by the existing laws, and to admit the said deed or deeds to record upon said proof: that he shall state in his certificate the facts of the proof or acknowledgement of said deed before the late clerk or his deputy, and the time when made and lodged in the office for record, when the same shall appear by the endorsement on said deed or deeds; and when partial proof shall have been made, or an acknowledgement in part, by one or more of the grantors, (when there are more than one,) he shall state the facts as they exist; that is, what proof was made before the late clerk or any of his deputies, and what proof or acknowledgement is made before the present clerk; and said certificates shall entitle said deeds, or copies thereof, to be read in evidence in any court of record in this commonwealth, and be valid to all intents and purposes, in the same manner and form, and to the same extent, as if said deeds had been recorded by the late clerk, where full proof has been made before him, and to the same extent where partial proof or acknowledgement has been made before

The duty of the present clerk in relation to recording, taking proof and acknowledgements of deeds unrecorded in his office, or where the proof, &c. was partially made before the late clerk.

1833.

the late clerk, and competent before the present clerk, as if the late clerk had lived and taken the full proof at the time, shall be taken by the present clerk. But nothing herein contained shall be so construed, to make it the duty of the present clerk to record any of said deeds until the tax shall be paid, in cases where the same has not been paid.

[Approved January 4, 1833.]

CHAP. 51.—AN ACT to change the place of voting in the Caney precinct, in the county of Ohio.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter the election in the Caney precinct, in the county of Ohio, shall be held at the house of David Clark instead of Theophilus Allen's, under the same rules and regulations as heretofore.

[Approved January 4, 1833.]

CHAP. 52.—AN ACT to change the mode of publishing the decisions of the Court of Appeals.

The acts creating the office of Reporter of decisions of the Court of Appeals repealed.

Proviso.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of each and every act or acts of Assembly as created the office of Reporter of the decisions of the Court of Appeals, and so much of each and every act or acts as prescribes the duty of the Reporter and fixes his compensation shall be and the same is hereby repealed: *Provided, however,* that this act shall not operate so as to preclude the present Reporter from completing any volume or volumes of reports which he may have commenced printing or for which he may have drawn the advance from the public treasury, but for such volume or volumes, when reported in the manner required by the present law, he shall be entitled to receive the compensation now allowed.

Mode of hereafter publishing those decisions and what decisions are to be published.

Sec. 2. *Be it further enacted,* That whenever any person, who may hereafter obtain the consent of the Judges of the Court of Appeals, or a majority of them for that purpose, shall deliver, well bound and lettered, into the office of the Secretary of State, for the time being, for the use of the Commonwealth, and obtain his receipt therefor, two hundred and fifty copies.



of such decisions of the Court of Appeals, as may not have been reported, but which may, in the opinion of the judges of said court, establish some new or settle some doubtful point, or be otherwise by them deemed important to be reported, such person shall receive, as a compensation therefor, at the rate of one dollar for every hundred pages contained in each volume of said reports, including tables and indexes: *Provided, however,* That the letter and paper be of the same size and quality as that of Hardin's reports of the decisions of the Court of Appeals: *And provided, also,* That the judges of said court, or a majority of them, certify that the work meets their approbation and was published by their consent.

1833.

Mode of compensation to the Reporter.

Proviso.

Sec. 3. *Be it further enacted,* That upon the delivery of the number of copies aforesaid, in conformity with all the conditions and requirements aforesaid, the Secretary shall give a receipt for the same, and state therein the sum due to the publisher at the rate aforesaid; and it shall be the duty of the Auditor of Public Accounts, whenever the receipt of the Secretary is delivered to him, to issue a warrant for the amount, which shall be paid out of any money which may have been received in the treasury in payment of taxes.

Mode of ascertaining the amount due the Reporter and duty of the Auditor, &c.

[Approved January 4, 1833.]

CHAP. 53.—AN ACT for the benefit of Dorcas Worley.

Whereas, it is represented to the present General Assembly that Dorcas Worley, a poor widow, of Whitley county, is unable to pay the state price of two hundred acres of head-right land on which she resides, entered in the name of Robert Early, on Certificate No. 289:

*Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky,* That the state price of said land is hereby remitted, and that the Register of the Land Office issue a patent to said Dorcas Worley, and her heirs, for said two hundred acres of land, under the same rules and regulations as though the quietus had been filed in his office for the same.

[Approved January 4, 1833.]

1833.

CHAP. 54.—AN ACT to authorise Edmund Turner to erect a Mill dam and Mill on the Middle Fork of the Kentucky River, in Clay or Perry County.

Edward Turner authorized to erect a mill-dam on the middle fork of the Kentucky river.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Edward Turner be, and he is hereby, authorised to erect a mill dam, or a water grist or saw-mill, on the Middle fork of the Kentucky river near Rodger Turner's, in Clay or Perry county, not exceeding three feet in height from low water mark: *Provided*, That the said Edward Turner attaches thereto, within three years, a water grist or saw-mill, and keeps the same in repair according to existing laws in relation to mills.

The county court of Clay may abate it if injurious to navigation, &c.

Sec. 2. *Be it further enacted*, That if at any time the said mill dam shall be found injurious to the navigation of the said Middle fork of the Kentucky river, or said Turner shall fail to keep his mill in repair, it shall and may be lawful for the county court of Clay county to order said mill dam to be abated within a reasonable time by the said Edward Turner: *Provided*, That said Turner shall have twenty days notice of any motion to abate said dam, which may be made to said county court.

[Approved January 4, 1833.]

CHAP. 55.—AN ACT for the benefit of the Jailor of Logan county.

Whereas, it is represented to the present General Assembly that the health of the jailor of Logan county has been greatly impaired by a residence in the lower apartments of the jail of said county, where, by the laws now in force, he is required to reside. For remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county court of Logan may, at their discretion, at any term of said court, at which there shall be a majority of the justices in commission in said county on the bench, enquire into the said matter, and into the propriety of permitting him to remove and reside out of said jail; and shall have full power to determine, at their discretion, whether said jailor may not reside elsewhere than in said jail; and if they, or a majority of those on the bench, shall determine that he may reside out of said jail and hold said office, they may make an order to that effect on their record; and in case said order is

made, said jailor may remove and reside elsewhere, out of said jail, and so much of any law as requires him to live in said jail after said order shall be made, is hereby repealed; and in case said order shall be made, said court shall have full power to authorise said jailor to rent the lower apartments of said jail and apply the rents to the use of said jailor or to any other purpose they may direct, at their discretion, by their order.

1833.

[Approved January 4, 1833.]

CHAP. 56.—AN ACT to establish an Election Precinct in Barren County.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of Barren county included within the following boundary, viz: Beginning on the county line near Isaac Dale's; thence Southwardly with the road passing through Bartlett L. Grove's lane, to the Greensburg road; thence to the cross roads near George Bradley's old place; thence with the road leading from Hitch's mill, to Craddock's mill, to the Greene county line; thence with the Greene county line to the Hart county line; thence with the Hart county line to the beginning, shall be, and is hereby, formed into an election precinct in said county of Barren, which shall be called and known by the name of the La Fayette precinct: and that the qualified voters in said precinct may vote at all legal elections, at the house of Little & Stovall in said precinct: *Provided*, It shall be lawful for any of the qualified voters residing within said precinct to vote at the court-house of said county if they shall so elect.

Boundaries of the precinct.

Place of voting therein.

Voters may vote at the court-house.

Sec. 2. *Be it further enacted*, That if any of the qualified voters of Barren county shall desire to vote at any other place than at the place designated in their respective precincts, before they shall be permitted so to do they shall take the following oath: "You, A. B., do swear, or affirm, (as the case may be,) that you have not, nor will not, vote at any other place during the present election, so help you God;" which said oath may be administered by one of the judges conducting the election: and if any of the qualified voters of said county shall swear falsely, he shall be deemed and held guilty of perjury, and shall be liable to be prosecuted and punished according to the laws now in force against perjury.

Voters to be sworn upon offering to vote out of their precinct.

1833.

An additional constable allowed to Barren county.

Sec. 3. *Be it further enacted*, That the county court of Barren shall be entitled to one additional constable, to reside in the neighborhood of Little & Stovell's store, and within the bounds of the election precinct established in the first section of this act.

[Approved January 4, 1833.]

CHAP. 57.—AN ACT for the benefit of the Head-right and Tellico settlers.

Former law continued.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the act entitled, "an act to reduce the price of the head-right lands on the South side of Green river, and for other purposes," approved December 13th, 1831, shall be continued in force until the third day of the next session of the General Assembly.

Further time given to return plats and certificates.

Sec. 2. *Be it further enacted*, That the further time of two years shall be given to the holders of plats and certificates of survey, of the description of claims recited in the preamble of the before recited act, to return the same to the Register's office.

[Approved January 4, 1833.]

CHAP. 58.—AN ACT for the benefit of John Smith and Bartlett Hill.

Recital.

Whereas, it is represented that John Smith hath made a mistake in the location of his tract of land, by entering the North-East quarter of section ten, township three, range two, East, in the district of country West of the Tennessee river, when agreeably to his intention, he should have entered the North-West quarter of section eleven, township three, range two, East, in said district. For remedy whereof,

John Smith authorized to alter his location of lands West of the Tennessee.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the said John Smith, upon lodging his certificate of entry or patent, if he has obtained one, for the first above named tract of land, with the Receiver of Public Moneys for the lands West of the Tennessee river, to relinquish his said entry and correct the above named mistake by entering with said Receiver the said North-West quarter of section eleven, township three, range two, East.

And whereas, it appears that Bartlett Hill has made a similar mistake, by entering and obtaining a patent for the North-West quarter of section ten, township six, range one, East, when it was his intention to enter the North-East quarter of section ten, township six, range one, West. Therefore,

1833.

Further recital.

Sec. 2. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said Bartlett Hill is hereby authorised to relinquish his said entry by filing his patent with the said Receiver and entering in lieu of the said quarter for which he has procured said patent, the said North-East quarter of section ten, township six, range one, West.

Bartlett Hill authorized to alter his location.

Sec. 3. *Be it further enacted*, That said John Smith and Bartlett Hill, upon filing with the Receiver their certificate of entry or patent, if one has been obtained, shall also each file a relinquishment to the Commonwealth of all right and title to the quarter heretofore taken by mistake, signed with his hand and seal and deposited with the Receiver, which shall authorise said quarters to be located by any other as now authorised by law for other quarters; and said relinquishment shall be returned by the Receiver to the Register's office, and there filed and recorded in the book in which patents are recorded, and immediately after or before the patent which may hereafter issue to any subsequent locator of the quarter so requisited, and upon the face of the patent shall be stated the fact of said relinquishment.

[Approved January 9, 1833.]

CHAP. 59.—AN ACT for the benefit of William R. McFerran and others.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act, entitled, "An act for the benefit of the trustees of the Edmonson county Seminary," approved November 24th, 1831, be, and the same is hereby repealed.

An act of 1831 repealed.

And whereas, it is represented to this General Assembly, that the county court of Edmonson caused to be entered, surveyed and patented, in the name of the county court of Edmonson, two thousand eight hundred and eighty-four acres of land, lying and being in the county of Sumner in the state of Tennessee, South of Walker's line: And whereas, the county trustees

1833.

The trustees of the Edmonson Seminary authorized to rescind a contract with M<sup>c</sup>Ferran.

of the Edmonson county Seminary sold and conveyed the said land to William R. McFerran and others, without having received a deed of conveyance from the said county court: And whereas, there are doubts whether the grants are not void. For remedy whereof,

*Be it further enacted*, That it shall be lawful for the said trustees of the Edmonson county Seminary, to rescind the contract with the said William R. McFerran and others, and to deliver up to the said McFerran and others their notes executed in consideration of the aforesaid lands, upon the said McFerran and others re-conveying unto the said trustees of the Edmonson county Seminary the title of the aforesaid lands.

[Approved January 9, 1833.]

CHAP. 60.—AN ACT for the benefit of Benjamin Robison.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage contract between Benjamin Robison and Frances Robison, his wife, be, and the same is hereby dissolved.

Sec. 2. *Be it further enacted*, That the said Frances Robison shall receive; and retain in her own right, all the property which she had in her own right at the time of her intermarriage aforesaid.

[Approved January 11, 1833.]

CHAP. 61.—AN ACT to amend, and reduce into one, the several acts concerning the Town of Augusta, Bracken County.

Trustees to be annually elected.

Vacancies, how filled.

Take an oath of office.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be seven trustees for said town of Augusta, who shall be elected at the court-house in the said town on the first Wednesday in September annually, who shall continue in office until others shall be duly elected and qualified; they shall have power to fill all vacancies that may happen in their body by death, resignation, or removal without the bounds of said town, or otherwise, by appointing others to fill such vacancy: and before they act as trustees, they shall take an oath before some justice of the peace in said county, that they will faithfully perform their duty as trustees of said town as long as they continue in office, without

1833.

partiality, favor or affection, to the best of their knowledge and information according to law: a certificate of which shall be filed with the clerk of the board of trustees, and to be by him recorded.

Sec. 2. No person shall be elected to or hold the office of trustee of said town who does not reside therein, and have attained the age of twenty-one years, a qualified elector of trustees, and the owner of a lot or lots, or a part thereof, in said town.

Qualifications  
of trustees.

Sec. 3. Every white male inhabitant of said town of the age of twenty-one years and upwards, having resided therein three months immediately before the election, shall be qualified [voters] for trustees of said town.

Of voters.

Sec. 4. The trustees shall, from time to time, as often as they deem it expedient, appoint a presiding member of their body: whose duty it shall be to keep order, take the vote upon all questions to be decided by them, to see that correct entries and records shall be made of the proceedings of the trustees and to sign the same, to call meetings of the board when he shall believe it necessary; it shall be lawful for the board of trustees, from time to time, to make any by-laws for the government of the town which to them may seem proper and right, and may enforce the same under such penalty or penalties, and in such manner, as they may prescribe: *Provided*, such by-law or laws is not repugnant to the Constitution of the United States or of this State, or any law of either.

Trustees to ap-  
point a chair-  
man.

His duty.

Trustees may  
enact by-laws.

Proviso.

Sec. 5. It shall be the duty of the qualified electors for trustees and the free colored male inhabitants of said town, except all persons over the age of fifty years, under the superintendence and request of the supervisor thereof, to keep the streets, alleys, roads and harbor of said town in *repair*, except the bridge across Little Bracken creek; all such persons or person who shall fail or refuse, when called upon, having had at least three days notice from the supervisor, to attend with the necessary implements designated by him, and faithfully aid in working and keeping in repair the said streets, alleys, roads and harbor, shall forfeit and pay for each day's failure the sum of one dollar and twenty-five cents: *Provided*, nevertheless, It shall and may be lawful for any citizen of said town, on or before the day named by the supervisor for such labor, to pay him the sum of one dollar, the receipt of which shall be in full for the whole year's service of

The citizens to  
keep the streets  
in repair.

Penalty for  
failing to work  
when notified.

Proviso.

1833. such person towards repairing said streets, roads, alleys and harbor of said town.

Trustees to appoint a clerk.

His duty.

Sec. 6. The trustees shall appoint a clerk, who shall take an oath that he will well and truly and faithfully perform the duties of said office; he shall make and keep a complete record of all the proceedings of the board of trustees, file and preserve all papers deposited with him for that purpose, which papers and records he shall at all times give free access to any person or persons who may desire to inspect the same, and shall furnish any person or persons with a certified copy or copies thereof, for which he shall be entitled to a compensation from such applicant as are now by law allowed clerks of courts for similar services; the said clerk shall publish all the by-laws immediately after the same shall be passed by the board of trustees, by posting up a copy thereof at the courthouse door in said town, at least five days before the same shall take effect and be in force, and shall report to the board the manner and time of publishing and noting the same on the records under the direction and inspection of the board of trustees. He shall also prepare and take all bonds required by the board of their officers, advertise the time and place of the election of trustees, superintend the same, ascertain and notify the persons elected, and make an entry thereof on the record book immediately after the election.

Trustees incorporated.

Style thereof.

Powers, &c.

Sec. 7. The trustees of said town are hereby constituted a body politic and corporate, and by the name of "*The Trustees of the Town of Augusta*," in which name they may sue and be sued, plead and be impleaded in all courts; that any copy or copies certified by the clerk, from the record and papers filed with him, pertaining to their proceedings, shall be received in all courts as *prima facie* evidence.

A supervisor of the streets, &c. to be appointed annually.

His duty and powers defined.

Sec. 8. The trustees shall annually appoint a supervisor, who shall continue in office one year and until a successor shall be appointed: whose duty it shall be to keep the streets, roads, alleys and harbor in repair, and give at least three days notice to all persons liable to work on the same of the time and place to meet, superintend and see that they do faithfully discharge the duties required of them, receive the money from such as choose to pay the same instead of labor, and appropriate such money towards repairing the said streets, roads, alleys and harbor; he shall prose-



oute all and every person who shall infract this act or the by-laws of said town; he shall be a competent witness in all cases where fines and forfeitures may be sued for: and shall be allowed such compensation as the trustees may deem just and reasonable; and should he fail or refuse to discharge any of the duties enjoined upon him, he shall forfeit and pay the sum of five dollars.

1833.

Compensation.

May be fined for neglect of duty.

Sec. 9. The trustees shall annually levy a tax upon the holders of lots in said town, any sum not exceeding three hundred dollars, a majority of all the trustees concurring therein; cause the lots to be appraised annually with their improvements; the trustees shall also appoint a collector of such tax, who shall give bond and security in a penal sum to be fixed upon by said trustees, made payable to them, conditioned for the faithful collection and accounting to them for such tax; the said collector shall, as soon as a list of the lots taxed, with the amount and the names of the owners or occupiers be furnished him, by the clerk of the board, proceed to collect such tax thereon: from the time the levy is made as aforesaid, it shall operate as a lien upon such lot or lots, or parts thereof, in said town: and after demand made of the owner, if in the county, or occupier, for the taxes due thereon, if it be not paid him, the said collector, he shall levy upon the goods and chattels if to be found, if not, then upon such lot or lots, or parts thereof, for all such taxes remaining due and unpaid, and proceed to sell such goods and chattels, lot or lots, or so much thereof as shall be necessary to pay the taxes due thereon, at the court-house door in said town, on the first day of the sitting of the county or circuit court of Bracken county after such levy, to the highest bidder, having previously advertised such goods and chattels, lot or lots, at least ten days before the day of sale at three public places in said town; the said collector shall make a deed of conveyance to the lot or lots, or part thereof sold, to the purchaser, which deed of conveyance shall vest in the purchaser all the title, legal or equitable, which such person or persons charged with the taxes held therein at the time of the levy: *Provided, however,* The owner or owners of any lot, or part thereof, so sold, may, at any time within one year from the day of sale, redeem the same, by paying the purchaser or purchasers the amount of the purchase money, with fifty per cent. thereon; and if the owner

Trustees may levy and collect an annual tax.

Appoint a collector, &c.

To give bond, &c.

His duty and powers.

May distrain for taxes, and sell real estate, &c.

Make deeds, &c.

Time for redemption allowed on real estate sold for taxes.

1833.

or owners, or any of them, of any such lot or part of lot so sold, shall, at the time of such sale, be an infant, *feme covert*, a person of unsound mind, or out of the United States, he, she, or they shall have the right to redeem the same at any time within one year after the removal of their said disability, by paying to the purchaser his purchase money, with ten per cent. per annum thereon from the time of purchase.

Clerk to furnish collector with the tax list.

Sec. 10. It shall be the duty of the clerk when the tax shall be levied upon the owners of the lots in said town, as aforesaid, to make out two duplicate lists of the lots taxed, the amount of taxes, the names of the owners or occupiers, and place one in the hands of the collector, taking his receipt therefor, attached to the other, which he shall retain and file.

Compensation to collector.

Sec. 11. It shall be lawful for the collector, when he is compelled to make distress for taxes and enforce the collection thereof, by sale, to receive the like compensation allowed the Sheriffs for the like services on the collection of fee-bills, to be collected and retained by him out of the sales of property so distrained and sold.

To pay over taxes to the trustees.

Sec. 12. The said collector, after deducting the amount for such delinquents as the trustees may allow him, and seven per cent upon the balance of the taxes placed in his hands for collection, shall pay over to the trustees, or their order, within six months after receiving such tax list, the amount of said taxes; and in case of non-payment, the trustees may, by motion before the county court of Bracken county, recover judgment against such delinquent collector and his securities, or such of them as reside within said county, giving them ten days previous notice of such intended motion, for the amount of taxes unpaid, with costs and twenty-five per centum damages thereon; which judgment may be enforced in like manner as the judgments against delinquent Sheriffs and their securities for the collection of the revenue.

May be proceeded against by motion, in case of failure, in the county court.

Fines and forfeitures, where sued for and recovered, and how to be applied.

Sec. 13. All fines and forfeitures, under this act or any of the by-laws of said town, may be recovered in the name of "the trustees of the town of Augusta," before a justice of the peace, by action of debt, where the amount does not exceed fifty dollars, but when the amount exceeds fifty dollars it may be recovered by the like action before any court having jurisdiction of such sums, and the collection thereof enforced by *ca. sa.* or other writ of execution, and the proceeds

thereof, together with the taxes levied upon the holders of lots in said town, shall be applied by the trustees towards improving the public roads, streets, alleys and harbor of said town, and defraying such other public expense as may accrue.

1833.

Sec. 14. The inhabitants of said town, so long as they shall reside therein and subject to work on the roads, streets, alleys and harbor of said town, shall not be compelled to work upon any other road or roads, or pay a tax for the working any other than that within the condemned ground of said town. All acts or parts of acts coming within the purview of this act shall be and the same are hereby repealed.

The inhabitants of the town entitled to certain exemptions.

Repealing clause.

[Approved January 11, 1833.]

CHAP. 62.—AN ACT to authorise the county court of Scott county to increase the allowance to patroles of said county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county court of Scott county, in lieu of the compensation now allowed by law to patroles, shall be and is hereby authorised to allow to the captain of any patrol a sum not exceeding one dollar and fifty cents, and to any assistant a sum not exceeding one dollar, for every twelve hours they shall patrol, under the order of said court, to be paid out of the county levy as heretofore.

[Approved January 14, 1833.]

CHAP. 63.—AN ACT to change the time of holding the November term of the Casey circuit court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter the fall term of the Casey circuit court shall commence on the Monday succeeding the Russell court and sit six juridical days, if the business of said court require it; and that hereafter the fall term of the circuit court for the county of Russell shall not exceed six juridical days.

Fall term of the Casey circuit court, when to be held.

[Approved January 14, 1833.]

CHAP. 64.—AN ACT to enlarge the limits of the town of Elkton, in the county of Todd.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the

1833.

passage of this act, the limits of the town of Elkton, in the county of Todd, shall be so extended as to include within its boundary the house and lot of Isaac Ayres, upon which he now resides.

Sec. 2. *Be it further enacted*, That the trustees of said town shall have power to make such by-laws, for the regulation of said town, as now extended, as they had by law before the passage of this act; and all the laws in force, relative to said town of Elkton, shall continue in force hereafter.

[Approved January 14, 1833.]

CHAP. 65.—AN ACT to regulate the town of Simpsonsville, in the county of Shelby.

Trustees appointed.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Isaac W. Dabney, James Russell, Ivory M. Buckner, Jesse Metcalfe and George W. Johnston be and they are hereby appointed trustees of the town of Simpsonsville, in the county of Shelby, a majority of whom shall be authorized to make deeds of conveyance for the lots in said town, to the purchasers thereof, upon their presenting to the said trustees the order of the proprietor of said town, requesting a conveyance to be made.

To make deeds of conveyance for lots.

Trustees may be elected by the voters in said town.

Sec. 2. *Be it further enacted*, That whenever the legal voters, residing in said town, shall amount to the number of twenty, it shall be the duty of the trustees appointed by this act, to cause an election to be held at some convenient place in said town for five trustees, giving ten days notice of the time and place of such election; and the said trustees, so elected, shall remain in office for one year after their election.

To appoint a clerk.  
His duty.

Sec. 3. *Be it further enacted*, That said board of trustees, or a majority of them, shall have power to appoint a clerk, whose duty it shall be to keep a fair record of the proceedings of said board, which shall be open for the inspection of any person desiring to see the same.

Vacancies in the board, how filled.

Sec. 4. *Be it further enacted*, That in the event of a vacancy in said board of trustees, by death, resignation or otherwise, the said board, or a majority of them, shall have power to fill such vacancy.

[Approved January 14, 1833.]

CHAP. 66.—AN ACT to amend the laws relating to the town of Covington, and for other purposes.

1833.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the trustees of the town of Covington, a majority thereof concurring, to impose a tax on the persons and property of said town, in any sum not exceeding one thousand dollars per annum, to be collected and disbursed in the manner now provided for by law.

Amount of annual tax to be collected.

Sec. 2. *Be it further enacted,* That the election of trustees in said town may hereafter be held at any place within the limits of said town: *Provided,* The clerk of the board of trustees, for the time being, shall, at least one month before such election, advertise the same at the most public places in said town.

Election for trustees, where to be held.

Sec. 3. *Be it further enacted,* That all laws which require the trustees of said town to hold stated meetings at the public school-house therein, be and the same are hereby repealed; and it shall be lawful for said trustees to convene at any time and at any place in said town, which in their discretion may be considered meet and proper.

Meeting of the trustees, where to be held.

Sec. 4. That any of the citizens of the said town of Covington, not exceeding forty in number, shall be and they are hereby authorised to organize a fire company, which shall, as soon as twenty citizens shall have joined the same, proceed to the election of their officers, consisting of a captain, first and second lieutenants, clerk and treasurer, and such other officers as may be necessary; and the said company shall also have power to adopt such rules, regulations and by-laws, as may be proper for the management and discipline of said company.

Citizens of the town may organize a fire company and elect officers.

Sec. 5. *Be it further enacted,* That it shall be lawful for said company to take charge of such engine or engines as may be surrendered to their control by the trustees of said town, or any person or persons; and, that they may be properly disciplined, shall, from the first of October until the first of May, in each year, convene at least once, in every month, and proceed to practice and exercise the engine or engines under their control, for such time as the commanding officer, for the time being, shall direct.

May adopt by-laws.

Their duty prescribed.

Sec. 6. *Be it further enacted,* That every member of said company, and also the officers, shall, as long

Exempted from militia duty and serving on juries.

1833. as they continue such, be exempt from militia duty and from serving on grand and petit juries.

[Approved January 14, 1833.]

CHAP. 67.—AN ACT to increase the powers of the Trustees of the town of Nicholasville, in Jessamine county.

Additional subjects of taxation.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the trustees of the town of Nicholasville, in the county of Jessamine, in addition to the powers now possessed by said trustees, to impose a tax upon all groceries and merchandise, in said town, on the first day of May, in each year, and upon all other property held by any citizen in said town, which is now subject to taxation, for revenue purposes, which taxes, when collected, shall be appropriated to the improvement of the streets in said town: *Provided*, That the taxes imposed by this act shall not exceed twenty-five cents upon each hundred dollars worth of property.

Amount of tax on the \$100.

Valuations, how to be made.

A collector of taxes to be appointed and his duty.

Sec. 2. *Be it further enacted*, That the valuation of the property aforesaid shall be according to the assessment and valuation fixed thereon by the commissioners of the tax; and the said trustees shall have full power to appoint a collector, who may distrain for, and exercise all the other powers of a Sheriff in the collection of the state revenue, whose duty it shall be to collect all taxes imposed by said trustees and to account for the same faithfully, whenever he shall be required.

Fines, how appropriated.

Ca. sa. may issue to coerce fines.

Sec. 3. *Be it further enacted*, That all fines imposed for riots, routs, unlawful assemblies of the people, or breaches of the peace, in the town of Nicholasville, shall be and they are hereby appropriated to said trustees, for the purposes aforesaid; and whenever a breach of the by-laws of said town shall be committed, it shall be lawful for the trustees aforesaid, or for the officer before whom said offender may be brought, to order a *fi. fa.* or *capias pro fine* against said offender, at the election of said trustees: *Provided*, That a *capias pro fine* shall not issue in any such case, unless for good cause shewn, upon oath, before the officer rendering judgment, or unless there has been a return of "no property" upon a writ of *feri facias*.

[Approved January 14, 1833.]

## LAWS OF KENTUCKY.

69

CHAP. 68.—AN ACT to authorise the sale of a tract of land belonging to Cornelius F. Willett, a lunatic.

1833.

Whereas, it is represented to the present General Assembly that Cornelius F. Willett, of Spencer county, a lunatic, is possessed of a tract of land in Nelson county containing one hundred acres, and conveyed to him by his father, Griffith Willett: and that said land, for want of proper improvements, is unproductive and of little value to said lunatic, and that a sale thereof would be advantageous to the interest of said lunatic. Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for Griffith Willett to sell and dispose of said tract of land upon the best and most advantageous terms for the interest of said lunatic, and to make a deed of conveyance to the purchaser or purchasers, which shall be as good and effectual to pass the title to the same as if the said conveyance had been made by said Cornelius F. Willett in his proper mind; and the money arising from such sale the said Griffith Willett shall apply to the maintenance and support of said Cornelius, either by investing the same in other property, or in any way he may decide will be most advantageous to said lunatic.

Sec. 2. *Be it further enacted,* That before the said Griffith Willett shall act in making any sale or sales of said land, he shall execute bond with good security, in the Spencer circuit court, in such penalty as said court may prescribe, conditioned to discharge his duty faithfully, and for a faithful disbursement of the proceeds of said sale to the support and maintenance of said lunatic, as herein before prescribed.

[Approved January 14, 1833.]

CHAP. 69.—AN ACT for the benefit of Spencer Boyd and others, of Bath County.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the county court of Bath county (a majority of all the justices thereof being present,) to permit Spencer Boyd, Fenton Arnold, John Allen and Samuel Wilson, to erect gates across the Andrews' mill road that passes over their lands.

Authorized to erect gates across a certain road.

1833.

Proviso.

**Sec. 2.** *Be it further enacted,* That said gates shall be made of good substantial and lasting materials, and easy to open and shut for the traveller, and shall be at least ten feet wide; *Provided, however,* That a majority of said court, by giving ten days notice, shall have the said gates removed whenever they may think the public good shall require the same, at the expense of the owners of said gates.

[Approved January 14, 1833.]

**CHAP. 70.—AN ACT** to authorise the County Court of Hardin County to purchase one hundred additional acres of land for the Poor House established in said county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county court for the county of Hardin, a majority of the justices thereof being present, shall have authority to purchase one hundred acres of land in said county, adjoining to the two hundred acres already purchased by said court for the establishment of a poor house; and in purchasing the same and receiving a conveyance therefor, said justices shall in all respects be governed by the rules and regulations of the laws now in force regulating poor houses.

[Approved January 14, 1833.]

**CHAP. 71.—AN ACT** to authorise the Trustees of the Newport Seminary to sell their donation lands, and for other purposes.

Sale and conveyance of their lands authorized to be made

**Sec. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the trustees of the Newport Seminary, in the county of Campbell, to sell and convey all or such part of the lands belonging to said seminary as, in their discretion, may be considered expedient, and to apply the proceeds of such sale to such purposes connected with said institution as a majority of said trustees may think proper.

The trustees may constitute an agent or attorney to make sales, &c.

**Sec. 2.** *Be it further enacted,* That said trustees, or a majority of them, shall have power to constitute and appoint an agent or attorney in fact, to sell and convey the lands aforesaid, and to compromise with any person or persons who may be residents thereon.



**Sec. 3.** *Be it further enacted,* That the fines and forfeitures hereafter accruing in the county of Campbell shall be appropriated to the use and benefit of said seminary; and it shall be the duty of the sheriff, constables, justices of the peace, and other officers in said county, to pay over all fines which may come to their hands to the treasurer of the board of trustees for said seminary; and it shall also be the duty of the sheriff, justices of the peace, constables, and coroner of said county, severally, to make out and return under oath, to the county court of Campbell county, at the May term of said court in each year, a list of fines by them, and each of them received, and from whom, and pay the same over to the treasurer of said trustees: and in default thereof, it shall be the duty of the county attorney to proceed against such delinquent sheriff, constable, justice of the peace, or coroner, and their respective securities, by motion in the county court of Campbell county in the name of the treasurer of said board of trustees: and the court may thereupon render judgment against such delinquent officer and his securities, for such sum as may appear to have been received and not paid over, with costs and ten per cent. damages, and award execution therefor.

[Approved January 14, 1833.]

1833.

The fines and forfeitures of Campbell appropriated to said seminary.

Duty of sheriffs, justices, &c. in relation thereto:

May be proceeded against.

CHAP. 72.—AN ACT to change the names of Claiborne Brewer and Mary Felicia McMann.

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky, that Claiborne Brewer is desirous of changing his name to Claiborne Grace, and that Mary Felicia McMann is desirous of changing hers to Mary Felicia Moody. Wherefore,

**Sec. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said Claiborne Brewer be hereafter styled, called and known by the name of Claiborne Grace.

**Sec. 2.** *Be it further enacted,* That the said Mary Felicia McMann be hereafter styled, called and known by the name of Mary Felicia Moody.

[Approved January 14, 1833.]

1833.

CHAP. 73.—AN ACT to provide for the collection of fines recoverable under the by-laws of the towns of Russellville, Bowlinggreen and Glasgow.

The *capias pro fine* may issue to enforce the payment of fines.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That in all cases where fines may hereafter be recovered under the by-laws of the towns of Russellville, Bowlinggreen and Glasgow, the justice of the peace before whom the same may be recovered, may issue the *capias pro fine* for the collection and coercion of the same, and be governed by the general laws now in force in relation to the *capias pro fine* in other cases.

[Approved January 14, 1833.]

CHAP. 74.—AN ACT to add a part of the county of Oldham to the county of Shelby.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of the county of Oldham which lies on the east side of Floyd's Fork, shall be and the same is stricken from the county of Oldham and added to the county of Shelby; and hereafter Floyd's Fork shall be the dividing line between the counties of Oldham and Shelby.

[Approved January 14, 1833.]

CHAP. 75.—AN ACT to explain the law concerning the Stanford Academy.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the first and second sections of an act, entitled, "an act to provide for the appointment of trustees to the Stanford and Rockcastle Seminaries, and for other purposes," shall, to all intents and purposes, apply to the Stanford Academy as fully as if the Stanford Academy had been expressly named in said act.

[Approved January 16, 1833.]

CHAP. 76.—AN ACT to authorize the insertion of advertisements in the Observer & Reporter, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be

lawful for the editors of the Observer & Reporter, printed at Lexington, The Spirit of Washington and Lexington Literary Journal, printed in Lexington, The Louisville Examiner, printed at Louisville, and the Green River Advocate, printed in Hopkinsville, to insert in said papers any and all advertisements which are authorised to be published in any newspaper published in this state, except such as are particularly directed by law to be published in the paper of the Public Printer; and the editors of said papers shall have a right to demand and receive the same fees for their services as are now allowed by law to other printers for similar services.

1833.

[Approved January 16, 1833.]

CHAP. 77.—AN ACT for the benefit of the Barbourville Seminary, in Knox county.

Whereas, it is represented to the present General Assembly that there is, and has been for the last two years, a free school in the town of Barbourville; that a seminary has been erected and the school maintained by voluntary donations; that the children of the poor, who are unable to contribute, have received the advantages of education in common with those of the wealthiest. Wherefore,

Recital.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the fines and forfeitures of Knox county be and the same are hereby appropriated to aid and assist in the maintenance of said school.

The fines and forfeitures of Knox to be applied to the free school in Barbourville.

Sec. 2. *Be it further enacted*, That the present trustees of said school, to-wit: William Hopper, James Love, Richardson Adams, Evan Jones, Hugh Hale, Gill Eve, Joseph Eve and Henry Tuggle, shall have power, a majority of those in commission being present, to direct the appropriation of the money due said school, whether by fines, forfeitures, subscriptions or otherwise, to the use of said school, and to make all regulations necessary for its well government, and to fill all vacancies which happen in their own body, subject to removal upon the petition of two thirds of the subscribers, whose votes shall be proportioned to the sums they subscribe.

Trustees appointed for said school.

Their powers and duty.

Sec. 3. *Be it further enacted*, That the trustees aforesaid, and their successors in office, shall have power,

May sue for and recover the

1833.

debts owing in  
their corporate  
name.

in their corporate name of the trustees of the Barboursville Seminary, to sue, on motion, for any debt coming to said school, or be sued or motioned against for any debt contracted in their corporate capacity, due from said school according to the laws now in force in similar cases.

The officers of  
said county to  
make returns of  
fines, &c. to the  
trustees.

Sec. 4. *Be it further enacted*, That the magistrates and clerks in said county shall, whenever called on by the trustees aforesaid, or their authorised agent, furnish, upon oath, a written statement of all fines and forfeitures inflicted before them or in their court, stating therein into whose hands they are lodged for collection.

[Approved January 16, 1833.]

CHAP. 78.—AN ACT for the benefit of St. Joseph's College, at Bardstown.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the students of St. Joseph's College be, and they are hereby, authorised to organise themselves into a separate independent militia company, by the name and style of the Union Cadets, and have the right to choose their officers: *Provided, however*, That they shall attend the regimental and battalion musters, as heretofore required of other independent companies, and remain subject to the same rules and regulations on parade.

[Approved January 16, 1833.]

CHAP. 79.—AN ACT for the regulation of the Town of Newmarket, in Washington County.

Recital.

Whereas, the county court of Washington, at their September term one thousand eight hundred and seventeen, established in said county, on the lands of Matthew H. Hall, Robert Scott and David Thurman, a town, to be called and known by the name of Newmarket, and vested the same in five trustees, to-wit: John Muldrow, Hugh Muldrow, William McAfee, James Mahan and David Hendley, all whom have removed except the said McAfee, whereby the said town remains without trustees. For remedy whereof,

Trustees to be

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be

lawful for the free white male inhabitants of said town over the age of eighteen years, and for the owners of lots in said town, to meet at the house of William McAfee in said town, on the first Monday in March next, and elect five trustees for said town, who shall be citizens of said town or owners of lots therein, which trustees, when so elected, shall continue in office until their successors shall be duly qualified.

1833.

elected for said town in March next.

Sec. 2. *Be it further enacted*, That it shall and may be lawful for the citizens of said town and owners of lots as aforesaid, to meet at some public house in said town, on the first Monday in January in each and every year thereafter, and elect five fit persons as aforesaid, to act as trustees of said town for one year after their election, and until their successors shall be duly qualified.

Trustees to be elected annually.

Sec. 3. *Be it further enacted*, That the trustees of said town shall have full power and authority to levy on the citizens' negroes and lots of said town, annually, as a tax, any necessary sum not exceeding fifty dollars, to be applied under the direction of said trustees for the purpose of keeping the water, streets and alleys of said town in repair: and the said trustees shall have full power and authority to open the streets and alleys of said town, and in all respects have the same power, and be governed by the several general laws for the regulation of towns in this commonwealth.

May levy a tax on the persons and property of said town.

Powers granted to the trustees.

[Approved January 16, 1833.]

CHAP. 80.—AN ACT to establish an Election Precinct at the Great Falls of Rough, in the County of Breckenridge.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of the county of Breckenridge included in the following bounds, viz: Beginning on Rough creek at the junction of the Breckenridge and Ohio county lines; thence with the Ohio county line to Lewis Martin's; thence with the county line of Breckenridge and Hancock to the Dry fork of Rock Lick; thence down the same to the mouth of the Black Lick fork; thence a straight line to where the Hartford road crosses Long creek; thence to Alfred Owens'; thence to Cannon's ford on the North fork of Rough; thence to Franks' mill on the South fork of Rough, and down the same to the beginning, be, and the same is hereby, established an election

Boundary of the precinct

1833.

Judges and clerk to be appointed to conduct the elections.

precinct, by the name of the Rough creek precinct: and the sheriff shall hold elections therein at the Great falls of Rough creek, as he is now required by law at other precincts: and the county courts of Breckenridge are required to appoint judges and clerks for said precinct, as in other cases, and they shall be subject to the same rules and regulations, and, the officers attending, shall be entitled to the like compensation: *Provided*, The voters in said county shall have the right to vote at any legal place of voting in said county.

[Approved January 16, 1833.]

CHAP. 81.—AN ACT for the benefit of William Sears.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Register of the Land Office be and he is hereby directed to issue land warrants, of one hundred acres each, in the name and for the benefit of William Sears, for four hundred acres, without fee therefor, to be appropriated within the county of Pulaski.

Sec. 2. *Be it further enacted*, That the said William Sears is hereby authorised to locate and survey four hundred acres of the vacant lands within the bounds aforesaid; and the Register of the Land Office shall, upon the return of the plats and surveys, made under said land warrants, register the same and issue patents thereon, without fee.

[Approved January 16, 1833.]

CHAP. 82.—AN ACT to amend the law of evidence in prosecutions for forgery.

The person by whom a forged instrument of writing purports to have been executed may be admitted as a witness on the trial.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall form no objection to the competency of any witness, introduced on the part of the Commonwealth, on the trial of a prosecution for forgery, that he or she is the person by whom the instrument charged to be forged purports to have been executed: *Provided, however*, That the judgment of conviction in the criminal prosecution shall not destroy the legal validity of the writing charged to have been forged, or be used in any civil controversy relative to the same: *Provided*, That noth-

Proviso.

ing herein contained shall be so construed as to take from the jury the right to judge of the credibility of the witness so situated. 1833.

[Approved January 16, 1833.]

CHAP. 83.—AN ACT for the benefit of the wife and children of William Green, a lunatic.

Whereas, it is shewn to this General Assembly that William Green, of Boone county, is a lanatic, and that it is right and for the advantage of his family that a committee should be appointed to take the management of his estate, and that an applicatoin to the circuit court of said county, for the appointment of such committee, was prevented by a failure in the judge of said court to hold the last November term of said court. Therefore, Recital.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Mary Green, the wife of said William Green; and Jeremiah Garnett be, and they are hereby appointed a committee to take the charge and management of the estate of said William Green, and that said committee shall have as full power over said estate, and be liable to the same responsibilities and duties, and be governed by the same laws as if they had been appointed by said circuit court; and that they particularly give such bond and security in said court, at the next term of said court, as the laws regulating the duties of committees of lunatics require, and as said court may direct; and that they have no power to collect any money due to the estate of said William Green until they have executed said bond, but that they have power to do all other things, in relation to said estate, that they could do had they been appointed by said court. A committee appointed to take charge and manage his estate.

Sec. 2. *Be it further enacted,* That said Mary Green, from and after the passage of this act, shall have all the power and rights of an unmarried woman, in relation to and over all property which may be the product hereafter of the industry of herself and minor children, or which she may hereafter derive by devise, purchase or gift from any one; and that she shall, after the passage of this act, have power, right and authority to trade and do business, sue and be sued, as an unmarried woman: *Provided,* That all the rights, powers and authority hereby granted, in this section, To give bond and security.

Mary Green allowed the privileges of a *feme sole*.

Proviso.

1833.

The present trustees incorporated.

Style of incorporation.

Their powers defined.

**Sec. 2.** *Be it further enacted,* That the present trustees of said town, to-wit: Austin Hall, Enos Kerr, Peyton Burdett, Thomas R. Calvert and Charles Hall, and their successors in office, be and they are hereby created a body corporate, under the title of the trustees of the town of Mount Washington, capable of suing and being sued, of contracting and being contracted with, together with all the needful powers of governing said town, not inconsistent with the usual powers granted to trustees of towns within this Commonwealth.

To hold their offices for the time for which they were elected.

**Sec. 3.** *Be it further enacted,* That said trustees shall hold their offices, as such, for the time for which they were elected, and until their successors shall be elected and qualified, agreeably to the laws now governing said town.

The trustees may levy and collect taxes.

**Sec. 4.** *Be it further enacted,* That said trustees shall have power to levy and collect a tax on the real property of said town, at a rate not exceeding twenty-five cents, ad valorem, on each hundred dollars; and that they may impose a poll tax of twenty-five cents on each free white male citizen, over the age of twenty-one years, and to levy a reasonable tax on all exhibitions, theatrical performances or shows in said town; to impose reasonable fines for obstructing the streets or alleys of said town; for shewing stud-horses or asses in the streets or alleys thereof, or for such covering mares within the precincts of said town; and to have power to pass by-laws and ordinances for the proper and needful government of said town.

Impose fines on shows, exhibitions, &c.

To pass by-laws.

Trustees to be annually elected.

Qualifications of voters and trustees.

**Sec. 5.** *Be it further enacted,* That the trustees of said town shall be elected annually, on the 2nd Monday in August, at the same place at which elections for representatives to the General Assembly are held; and every free white male, over the age of twenty-one years, resident of said town, shall be entitled to vote; and every such voter, who may be a house-keeper, shall be eligible to the office of trustee.

Trustees to appoint a clerk and collector of taxes.

**Sec. 6.** *Be it further enacted,* That said trustees shall annually, on the first Wednesday after the election, appoint a clerk, whose duty it shall be to keep a true record of the proceedings of said trustees, and who shall be allowed such compensation as said trustees may deem just and within the reasonable limits of their resources; they shall also, on the same day, appoint a collector for said town, who shall give bond, with approved security, in the penalty of at least dou-

Collector to give bond and security.



ble the probable revenue of said town, for the faithful discharge of his duties and accounting for the moneys and dues collected by him, as such, which bond shall be taken to the trustees of said town, and their successors, and on which suit or suits may be maintained for breaches thereof.

1833.

Sec. 7. *Be it further enacted*, That said trustees shall have power to appoint an assessor of the property required to be taxed by this act, who, before he commences the duties thereof, shall take an oath faithfully and impartially to discharge the duties thereof to the best of his judgment, a certified copy of which oath shall be filed with the clerk of said town.

An assessor of taxes to be appointed.

To take an oath of office.

His duty, &c.

Sec. 8. *Be it further enacted*, That should the holders of the real property of said town fail and refuse to pay the taxes imposed by said trustees, that said collector, so to be appointed, shall have power to levy on and sell the personal estate of those in arrear, and in default of such personal property, shall have power to sell such real estate, or so much thereof as will pay the amount of taxes due, having advertised the same for two months at least at three of the most public places of said town: and such collector, so selling such property, shall have power to convey the same, and his deed shall pass to the purchaser all the right, title and interest of such person in arrears, for which the same shall have been sold. *Provided*, The proprietor thereof, his heirs and representatives, shall have two years to redeem the same on paying the arrearages, with all costs thereon, and ten per cent. per annum on the whole amount thereof; and that such collectors shall have and possess all the powers of seizure and distress necessary to enable him to collect all the fines and forfeitures which may be imposed by said trustees, in their corporate capacity, under the provisions of this act.

Real estate may be sold in default of personal estate, for taxes, &c.

Collector to make conveyances, &c.

Time given to redeem lots thus sold.

Sec. 9. *Be it further enacted*, That all acts, or parts of acts, coming within the purview of this act, be, and the same are hereby repealed.

Repealing clause.

[Approved January 22, 1833.]

CHAP. 88.—AN ACT to change the State Road leading through the lands of Matthew Slaughter, in the County of Casey.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county court of Casey, a

1833. majority of all the members in commission concurring, may change so much of the state road as runs through the lands of Matthew Slaughter: *Provided* such change will not be injurious to the public good.

[Approved January 22, 1833.]

CHAP. 89.—AN ACT for the benefit of Thomas Newskirk and Wife.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the matrimonial connexion heretofore existing between Thomas Newskirk and his wife, Parmelia Newskirk, be, and the same is hereby dissolved.

[Approved January 22, 1833.]

CHAP. 90.—AN ACT regulating and defining the powers of the Trustees of the Town of Brandenburg, in Meade County.

Whereas, it appears that the trustees of the town of Brandenburg, in the county of Meade, failed and neglected to levy a town tax due for the years 1830 and 1831: and it being represented to this General Assembly as necessary, that said trustees should still have the power to levy and collect a tax for those years, for the support and improvement of said town:

Sec. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky*, That said trustees shall be, and they are hereby authorised, at any regular meeting of their board after the passage of this act, to proceed to levy a tax for said town for the aforesaid years 1830 and 1831, in the same manner, and under the same regulations, that they were by law authorised to have done the same, within said years.

Sec. 2. *And be it further enacted*, That in making collection of the amount of tax so levied, and of all subsequent levies made by the trustees of said town, the town collector shall be, and hereby is, authorised to make distress, and sell the property of all such individuals as shall fail or refuse to pay the same, or arrearages thereof, in the same manner, and subject to the same rules of law, that govern sheriffs in the collection of the public revenue.

[Approved January 22, 1833.]

CHAP. 91.—AN ACT to change the time of the meeting of the Legislature of Kentucky.

1833.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter the stated annual meetings of the General Assembly of Kentucky shall commence on the last day of December, except when said last day may be on Sunday, and then the same shall commence on the day before.

[Approved January 22, 1833.]

CHAP. 92.—AN ACT to authorise the establishment of a road from Harrodsburg to the Lexington road from Bardstown, and for other purposes.

Whereas, it is represented to the present General Assembly that it would be of great benefit to the citizens of Mercer, Anderson and Nelson counties, that a state road be established from Harrodsburg, to intersect the road leading from Bardstown to Lexington, at some convenient point North-Eastwardly of Elias Kincheloe's. Thereupon,

Recital.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Richard K. Calvert, of Nelson county, John Morgan, of Anderson county, Vincent Morgan, of Washington county, and William Sharpe, of Mercer county, be and they are hereby appointed commissioners to view the nearest and best way for said road; and for which purpose the said commissioners, or any three of them, may meet at the house of Timothy P. Marshall, in Nelson county, on the fourth Thursday in March next, and after being first sworn to impartially view a way for said road, according to the provisions of this act, they shall immediately proceed to view and mark out said road; and shall then make out a written report, according to the laws now in force as to public roads, one of which shall be returned to their respective county courts, who shall summon the several proprietors of the land over which said road passes, (if known,) in their respective counties; and upon such summons being returned executed, the several county courts shall appoint overseers on said road, and direct the same to be opened and kept in repair according to law.

Comm'rs appointed to view the road.

Their duties pointed out.

To make reports to the several county courts through which the road passes.

Duty of the said county courts thereupon.

Sec. 2. *Be it further enacted,* That the said road shall commence at Harrodsburg, in Mercer county, thence, on the nearest and most convenient route, to

Route of the road pointed out.

1833. intersect the Bardstown road leading to Lexington, commonly called the Delany road, at the most convenient point, so as to lead from Harrodsburg to Bloomfield, in Nelson county; said way or route shall be continued on other roads now established by law, wherever in the opinion of said commissioners such road will form the nearest and most convenient way to the point aforesaid; and it shall and may be lawful for any three of the said commissioners to act, whose concurrence shall be sufficient to carry this law into effect, so far as relates to the duties hereinbefore required of them.

The county court of Laurel to appoint overseers and allot hands to work on Moore's road.

Sec. 3. *Be it further enacted*, That it shall be the duty of the county court of Laurel to appoint overseers, and allot the necessary hands, to improve and keep open what is known and called Moore's road, in Laurel county.

[Approved January 22, 1833.]

CHAP. 93.—AN ACT for the benefit of Morgan Forbis' heirs and Clarke McAfee's heirs.

Recital.

Whereas, by an act of Assembly, approved February the 20th, 1808, Thomas Speed, William P. and P. Quinton, were appointed commissioners to sell a part of the land of William Merimee, deceased, on a credit of six months; and the said commissioners sold to Morgan Forbis three hundred acres of land lying on Little Barren river, in Green county, part of six hundred acres granted to said William Merimee by John Savary, and the conveyance of the said three hundred acres of land was not made to said Forbis before he departed this life: And whereas, P. Quinton has departed this life, and William P. Duval has removed to, and is now residing in Florida. Wherefore,

Comm'rs appointed to convey certain lands to M. Forbis' heirs.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James Slaughter and Nathaniel Wickliffe be, and they are hereby, appointed commissioners in the place of William P. Duval and P. Quinton, hereby vesting them and Thomas Speed with full power to convey the land which may have been sold by the aforesaid commissioners and remaining unconveyed.

Conditions of

Sec. 2. *Be it further enacted*, That it shall and may be lawful for the said commissioners to convey to the

heirs of the said Morgan Forbis, deceased, the aforesaid three hundred acres of land, upon their complying with the contract entered into between the said commissioners and the said Morgan Forbis, deceased.

1833.

the sale to be first complied with.

Whereas, by an interlocutory decree of the Mercer circuit court, the tract of land belonging to the heirs of Clarke McAfee, deceased, was directed to be sold, and the commissioners proceeded to expose the same to public sale, but were unable to complete the same on account of the said tract of land being exposed in one entire tract. Therefore, for remedy thereof,

Further recital.

Sec. 3. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the circuit court for the county of Mercer to authorise, by their decree, the commissioners who may be appointed to sell the said tract of land, to lay off the same into such number of subdivisions as to them may seem just and right: *Provided*, That no part of said land shall be sold by said commissioners at a less price than the valuation made as the law directs.

The comm'rs who may be appointed to sell the lands of C. M'Afee's heirs authorized to subdivide the same into parcels.

Sec. 4. *Be it further enacted*, That the commissioners appointed by the Mercer circuit as aforesaid, shall cause three fair plats, exhibiting the corners and corner trees of the several tracts laid off and sold as aforesaid, to be returned, one of which shall be recorded with their report of sale made under the decree of said court: *Provided, however*, That nothing in this act contained shall be so construed, as to prevent the said Mercer circuit from proceeding in the cause now in said court, in relation to the land of said McAfee's heirs, in the same manner as if this act had not passed; nor shall any thing in this act contained be construed so as to alter, change, or in any manner affect any person, or the right or liability of any person known in the proceedings in said cause or under the said interlocutory decree, unless by order or decree of the court such rights or liability shall be adjudicated on.

Three plats thereof to be made and recorded.

Proviso.

[Approved January 22, 1833.]

CHAP. 94.—AN ACT authorizing the several county courts of this Commonwealth to permit gates to be erected on certain public roads.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the several county courts in this Commonwealth, a majority of all the justices of the peace be-

The county courts authorized to permit gates to be erected across public roads.

1833.

Except across roads leading from one court-house to another or mail roads

ing present, to permit gates to be erected across the public roads of their several counties, except the main leading highways from the court-house of one county to the court-house in an adjoining county, or across any road on which the mail may be carried, which roads shall not, at any time, be obstructed by gates.

The courts to designate the place for the erection of such gates, their width, &c.

With power to have the same repaired, removed or abolished.

Proviso.

Judgment may be entered against the owner for cost of repairs or removals.

Sec. 2. *Be it further enacted*, That the court, in the order permitting any gate to be erected, as provided for in the first section of this act, shall specify the place where it shall be erected, and that such gate or gates shall be at least nine feet wide and made of good strong materials, and so constructed as to be easily opened and shut; and the county court shall, at all times have the power to order the overseer of any road, across which a gate or gates may be erected, to cause the same, at the cost of the occupier of the land on which it stands, to be repaired, removed or abolished, in case any such gate is permitted to decay or remain out of good order and repair for twenty days, or in case the public good should require it: *Provided*, That no gate shall be abolished without first summoning the owner or occupant of the tract of land on which it may be erected, at least ten days before the court at which the same shall be done; and in the order to repair, remove or abolish it, a reasonable time shall be allowed for the owner or occupant to do the same, or alter his or her fences so as not to produce injury to any annual growing crop; and should the owner or occupier fail to pay the overseer the costs of repairing, removing or abolishing any gate, when the same is repaired, removed or abolished by him, under an order of the court, it shall be his duty to report the amount of cost to the court, and judgment shall be thereupon entered in his favor for the same, against the owner or occupier: *Provided*, the court be satisfied with its correctness.

[Approved January 22, 1833.]

#### CHAP. 95.—AN ACT for the benefit of Daniel M. Kittenger.

Recital.

Whereas, Daniel M. Kittenger, of the town of Elkton, through a mistake, built a house upon one of the alleys of said town, and for remedy whereof,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the

town of Elkton, in the county of Todd, or a majority of them, be and they are hereby authorised to convey to Daniel M. Kittenger the alley upon which the said Kittenger's house now stands, or so much of said alley as adjoins the said Kittenger's lot, being sixteen feet in front and one hundred and sixty feet back.

Sec. 2. *Be it further enacted*, That the said trustees of the town of Elkton shall, before they convey to the said Daniel M. Kittenger the aforesaid alley or part thereof, require the said Kittenger to relinquish to them, as trustees, a similar quantity of ground in the said town of Elkton and adjoining to and running back with the alley, which the first section of this act authorises them to convey to said Kittenger; which ground, so relinquished to said trustees, shall be kept open by them as an alley in said town, in the place of the one hereby authorised to be conveyed to the said Daniel M. Kittenger.

[Approved January 22, 1833.]

1833.

Elkton authorized to convey to him an alley therein.

Said Kittenger first to convey to them an equal quantity of ground for the purpose of an alley.

CHAP. 96.—AN ACT to authorise Clerks, Sheriffs, Justices and Constables the collection of their Fees from those about to leave this Commonwealth.

Whereas, it is represented that the clerks in this commonwealth sustain great loss by the removal of individuals from the state, after the services are rendered, but before they are allowed by the existing law to issue their fee-bills. For remedy whereof,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the clerks of the county courts, circuit courts, general court and court of appeals, whenever there may be reasonable grounds to believe that any person, for whom services have been rendered by any of said clerks, is about to remove from the commonwealth before a fee-bill can, by the now existing law, issue for such services, said clerk may apply to any one of the justices of the peace in the county appointed to grant injunctions, &c. and upon said clerk's making affidavit before him to such grounds of belief, said justice shall authorise him to issue his fee-bill forthwith, said justice retaining, and filing away in his office for safe keeping said affidavit; and said justice shall endorse on said fee-bill the fact, that said affidavit has been filed, and that said fee-bill may be coerced forthwith; which fee-bill,

Clerks of courts authorized to issue their fee-bills before the same can now be issued, when the persons for whom services have been performed are about to leave the state.

One of the justices appointed to grant injunctions, &c. in each county, may authorize the fee-bill to issue upon proper affidavit made.

1833.

Officer authorized to collect forthwith.

Penalty for making a false oath

The same provision made for justices, sheriffs and constables' fee-bills.

Justices fee for receiving affidavit, &c.

so endorsed, it shall be the duty of the officer into whose hands said fee-bill may be put for collection, to proceed without delay to collect the same; and in case of a false oath taken in said affidavit, the person making the same shall be liable to the same penalties in a prosecution for perjury as for false swearing in other cases.

Sec. 2. *Be it further enacted*, That sheriffs, constables and justices of the peace, shall be permitted to collect their fees in the same way and under the same circumstances, as clerks are authorised to collect their fees under the provisions of this act.

Sec. 3. *Be it further enacted*, That the justice of the peace who receives and files away the affidavit required to be filed in the first section of this act, shall be entitled to a fee of twelve and a half cents for the same, to be paid by the affiant, to be collected as other fees.

[Approved January 22, 1833.]

CHAP. 97.—AN ACT prescribing a mode for vacating judgments recovered against or in favor of deceased persons.

Judgments rendered for or against deceased persons at the time of their rendition, may be vacated.

Notice to be given to the adverse party if a resident.

Or an order of publication if non-residents.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That in all cases where judgment has been or may hereafter be rendered in the name and behalf of any deceased person or persons, or against any person or persons deceased at the time of rendering such judgment, it is and shall be lawful for the court rendering said judgment, at any time thereafter, upon motion, to set aside and vacate any such judgment: *Provided*, That hereafter due and reasonable notice of any such intended motion shall be given to the party that, in the opinion of the court, is entitled to such notice, if such party be resident in this Commonwealth: but if the heirs and representatives of the deceased party be non-residents or unknown to the party interested in vacating said judgment, upon affidavit thereof filed, it shall be lawful for the court to order publication against them, which shall be made in like time and form as publications in chancery suits; and when made and certified by the printer and returned to the court shall be as good and valid as personal service.

[Approved January 22, 1833.]



CHAP. 38.—AN ACT to establish the Town of Taylorsville, in Spencer County, and giving the Trustees thereof certain powers.

1833.

Whereas, it is represented to this present General Recital. Assembly of the Commonwealth of Kentucky, that in the year 1796, Richard Taylor laid off the town of Taylorsville in the forks of Brashear's creek and Salt river, on a certain tract of land of which he was the legal owner, containing — acres, and sold out lots in said town, as designated on a plat thereof which he caused to be made out: And whereas, the said Richard Taylor did, on the 28th day of October, 1811, sell the said tract of land, on which he had located said town of Taylorsville, to one Henry Smiley, and executed a bond to said Smiley for the conveyance thereof: And whereas, the said Henry Smiley did, on the 31st day of July, 1812, assign and transfer the aforesaid bond on Richard Taylor to one Samuel Ogilby, who, in the year 1818 or 1819, caused trustees to be appointed to said town by the county court of Shelby county: And whereas, trustees have been regularly appointed to said town ever since, either by the county court of Shelby county or the county court of Spencer county, or by elections of the citizens thereof, under the general laws of this commonwealth for the establishment of towns, although the said town was never established, either by an act of Assembly or by any order of the county court of Shelby or Spencer county; and said trustees have, in the exercise of their powers, executed deeds of conveyance for lots in said town, under and by virtue of orders produced to them from said Richard Taylor, Henry Smiley and Samuel Ogilby, and have exercised all the powers and duties of trustees as aforesaid, in as full and ample a manner as though the said town had been regularly established by law: And whereas, on the first Monday in August, 1832, the citizens of said town did, under the laws of this commonwealth, assemble and hold an election for trustees of said town, and at said election chose Raphael Lancaster, Mastin B. Shelburne, William B. Murphy, William Gilbert and John C. Burnett, as trustees, who are now the acting trustees of said town: And whereas, doubts have arisen whether the proceedings of any of the trustees of said town of Taylorsville are good and valid in law. For remedy whereof,

[Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said town of The town established as originally laid out.

1833.

Trustees appointed.

Authorized to make conveyances of lots to the purchasers.

Vacancies in the board to be filled by elections.

Taylorsville be established on the tract of land in the forks of Brashear's creek, containing by survey — acres, originally laid out by said Richard Taylor, and that the same be vested in Raphael Lancaster, Martin B. Shelburne, William B. Murphy, William Gilbert and John C. Burnett, as trustees thereof; and that whenever they are satisfied that any proprietor or proprietors claiming lots in said town, have purchased the same from any of the original proprietors or the former trustees, and have paid the consideration money, then, and in that event, the said trustees and their successors in office, or a majority of them, shall have full power and authority to make the said purchasers or purchaser deeds of confirmation.

Sec. 2. *Be it further enacted*, That the citizens of said town shall have power to elect trustees, and fill up vacancies in the board of trustees whenever any vacancy may occur, in the same manner as is now prescribed by the laws of this commonwealth in relation to the establishment of towns.

[Approved January 22, 1833.]

CHAP. 99.—AN ACT to establish a road from Louisville to the state line, in a direction to Knoxville.

A state road established from Louisville towards Knoxville.

Route thereof.

Comm'rs appointed to view the route from Columbia to the state line through Jamestown and Monticello.

To employ surveyors and chain carriers.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a state road is hereby established from the City of Louisville to the Tennessee state line, in the direction of Knoxville, and that the public road now leading from Louisville, by the mouth of Salt river, Elizabethtown and Greensburg, to Columbia, in Adair county, be and the same is hereby adopted as a part of said road.

Sec. 2. *Be it further enacted*, That Michael Castillo, of the county of Wayne, Zachariah Taylor, of the county of Adair, and John B. Hundley, of the county of Jefferson, are hereby appointed commissioners, who, or a majority of them, are directed to review, mark and survey the nearest and best way for said road from Columbia to the Tennessee line, in the direction of Knoxville, passing through Jamestown and Monticello.

Sec. 3. *Be it further enacted*, That said commissioners be directed to employ William McNeeley, of the county of Adair, or some other competent surveyor, and necessary chain carriers, and that they cause said

road, between Columbia and the Tennessee state line, to be surveyed, and as many plats thereof as may be necessary to be made, with the courses and distances annexed thereto, together with their report; and that they return to the county court of each county, through which said road may pass, between Columbia and the Tennessee state line, one of said plats, which shall be examined by said court, and preserved in the clerk's office thereof; and one of said plats shall be returned to the Secretary of State, to be preserved by him for the use of the Legislature.

1833.

Plats to be made out and returned to the county courts of the counties through which the road passes.

Sec. 4. *Be it further enacted*, That it shall be the duty of the commissioners to name in their report the different persons through whose land said road will pass in each county.

To report thro' whose land the road passes.

Sec. 5. *Be it further enacted*, That the county court of each county, through which said road shall pass, shall proceed to appoint supervisors of said road, in every part thereof which passes through their respective counties, and also to allot hands and direct said road to be opened at least fifty feet wide in every part: *Provided*, the report of said commissioners be favorable to the opening of said road. And it shall be the duty of each court of the county through which said road may pass, at the next term after said report is made as aforesaid, to cause summons against each person through whose land the road is reported to pass, in the county, for them to appear at the next term of the court and say whether they claim compensation for the land, and if the person or persons so summoned appear and require a writ of *ad quod damnum*, it shall be the duty of the court to order such writ or writs, and such proceedings shall be had thereon as in other like cases. And it shall be the duty of the county court, in which each writ or writs are returned, to make an order for the amount assessed by the inquisition of the jury, in favor of the owner or owners, which shall be levied by the court at their next court of claims.

The several county courts to cause the road to be opened.

Proviso.

Damages may be assessed for the route of the road.

Sec. 6. *Be it further enacted*, That the commissioners appointed by this act, before they enter upon the duties assigned them, shall take an oath or affirmation, before some justice of the peace, that they will faithfully, to the best of their judgment, perform the duties assigned them by this act; and the surveyor appointed by said commissioners, shall take an oath or affirmation faithfully and truly to survey said road,

To be paid out of the county levy of the several counties.

Comm'rs, surveyor and chain carriers to take an oath.

1833.

and return a true report thereof to said commissioners; and the surveyor is authorised to administer an oath or affirmation to the chain carriers, that they will faithfully carry the chain and render a true account of the distances, according to the best of their judgment.

Allowance to  
comm'rs, sur-  
vey and chain  
car. 18.

How to be paid

Sec. 7. *Be it further enacted*, That the commissioners hereby appointed, who shall perform the duties to them assigned, shall be entitled to one dollar and fifty cents each, per day, and the surveyor to two dollars per day, and the chain carriers to seventy-five cents per day, each, during the time they may be employed; and on making proof before either of the county courts, through which said road may pass, of the length of time they have been employed, the court shall certify the same to the Auditor of Public Accounts, who shall draw his warrant on the treasury for the amount, which shall be paid out of any money in the treasury not otherwise appropriated.

[Approved January 22, 1833.]

CHAP. 100.—AN ACT changing the boundary lines of the 72d Regiment of the Kentucky Militia.

Rec'tal.

Whereas, it is represented to the present General Assembly, that a small portion of the citizens of the county of Trigg, by the existing laws are required to attend the regimental musters within the county of Caldwell, and that much inconvenience results therefrom. For remedy whereof,

Bounds of the  
regiment.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter the 72d regiment of the Kentucky militia shall be composed of, and include within its boundary, all the citizens of the county of Trigg.

Regulation as  
to fines to be  
collected.

Sec. 2. *Be it further enacted*, That all fines assessed against any of those stricken from their former regiment, shall be collected and paid over to the paymaster of their former regiment.

[Approved January 22, 1833.]

CHAP. 101.—AN ACT to change the place of voting at the Claysville Precinct, in Harrison County, and for other purposes.

The place of

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the election hereto-

fore held at the house of John Whitehead, in the town of Claysville, at what is called the Claysville precinct, in Harrison county, shall hereafter be held at the house of William Jackson in said town of Claysville.

1833.

voting in the Claysville precinct changed.

Sec. 2. *Be it further enacted*, That the two election precincts now authorised by law in Meade county, at Ashcraft's and Popham's, be, and the same are hereby consolidated, and the votes therein shall hereafter be taken at the house now occupied by Elijah Sewell: *Provided, nevertheless*, That the qualified voters residing in the foregoing precincts shall be allowed to vote at their respective court-houses, or within said precincts, as they may elect, and that officers be appointed and elections conducted therein as now required by law.

Two precincts in Meade consolidated.

Place of voting therein.

Provide.

[Approved January 22, 1833.]

CHAP. 102.—AN ACT for the benefit of David Short.

Whereas, David Short has received a commission as sheriff of the county of Muhlenburg, and, being a member of this Legislature, is unable to get to his county in time to qualify and execute the necessary bonds for the collection of all taxes and interest, at the court held in the month of January, as is now required by the existing laws.

Recital.

*Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for said Short, at any time after his return home from the present session of the Legislature, and before the last day of March, 1833, to summon three justices of the peace of said county to meet at the court-house at a day designated by him, and the said justices so assembled shall constitute a court, and shall possess all power and authority to qualify said Short as sheriff of said county, and to take bond and security, conditioned for the true and faithful payment and accounting for all taxes and interest which are or may become due, in the same manner as if said bond had been executed in the month of January, as required by the act passed 21st December, 1799: and also to take from him all bonds and securities which the court could take from him upon his qualifying at the regular January term of said court, or at any other regular term; and if said called court shall not take place, then said Short shall have full power and authority to qualify and execute

Longer time granted to give bond and security and qualify as sheriff of Muhlenburg.

The bonds, &c. executed at the called court, declared legal, &c.

1833.

all necessary bonds now required by law, at the regular March term of said county court; and said qualification and the execution of said bonds at a called court, or at the said March term, shall be as good and valid as if executed at the January term of said court; and the failure of said Short to execute bond and security at the January term shall not work a forfeiture of the office of said Short, or in any wise affect his interest, or exclude him from any of the rights and privileges which he would possess by qualifying and executing the necessary bonds at the January term of said court: and said Short's term of service shall commence running only from the time of his qualifying as sheriff.

[Approved January 22, 1833.]

CHAP. 103.—AN ACT to improve the road leading from Monticello to the state line, in a direction to Monroe, Tennessee, and the road leading from Columbia, by Creelsburg, to the state line.

Land warrants to be issued to the Wayne county court for 600 acres in said county or between Walker's line and latitude 36° 30'

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Register of the Land Office be and he is hereby authorised and required to issue land warrants, in the name of the county court of Wayne, without fee therefor, for six thousand acres, to be appropriated within the said county of Wayne, the county of Cumberland, or in the territory between Walker's line and latitude thirty-six degrees thirty minutes, North, in the State of Tennessee, South of and opposite to the county of Cumberland.

May be sold or transferred.

Proceeds, how to be applied.

Sec. 2. *Be it further enacted*, That the county court of Wayne is hereby authorised to appoint an agent or agents to sell said land warrants, and assign them, and when collected to apply the proceeds to improving so much of the road from Monticello to the Tennessee state line, in a direction to Monroe, (by the way of John R. Beck's,) as lies between Otter creek, in Wayne county, and the aforesaid state line; which agent or agents, when appointed, shall enter into bond and approved security, for the faithful performance of his or their duty, payable to the county court of Wayne.

Land warrants granted to Cum-

Sec. 3. *Be it further enacted*, That the Register of the Land Office be and he is hereby authorised and required to issue land warrants, in the name of the

county court of Cumberland, without fee therefor, for three thousand acres, to be appropriated within the said county of Cumberland, or in the territory between Walker's line and the latitude thirty-six degrees thirty minutes, North, in the State of Tennessee, South and opposite to Cumberland county.

1833.

berland for  
3,000 acres.

Where to be  
located.

May be sold or  
transferred.

Mode of applying  
the proceeds

Sec. 4. *Be it further enacted*, That the county court of Cumberland is hereby authorised to appoint an agent or agents to sell said land warrants and assign them, and when collected, to apply the proceeds to the improvement of that part of the road leading from Columbia, by Creelsburg, to the Tennessee state line, which lies on Crider's hill; which agent or agents, when appointed, shall enter into bond and approved security for the faithful performance of his or their duty, payable to the county court of Cumberland.

Sec. 5. *Be it further enacted*, That when any survey shall be made on the land warrants hereby appropriated and the same shall be returned to the Register's Office, the Register shall register the same without fee therefor, and issue patent thereon, without fee: *Provided*, That no survey made under the authority of this act shall contain less than fifty acres; and should any survey or surveys be made on land heretofore patented, or otherwise appropriated, the patent or patents which may issue in virtue thereof shall be utterly null and void: *Provided, also*, That no land warrant, which may issue under the authority of this act, shall be sold at a less rate than five dollars per hundred acres.

Register to is-  
sue patents.

Proviso.

[Approved January 22, 1833.]

CHAP. 104.—AN ACT for the benefit of Vachel Welden, Jailor of Bracken County.

Whereas, it is represented to the present General Assembly, that in the month of April, 1832, a female slave was committed by order of a justice of the peace to the jail of Bracken county as a runaway: at the proper time the sheriff was directed to hire her out, but it was discovered that she had become a lunatic, and so senseless that she did not know her own name; from that period she became chargeable to the county: but as there is no provision by law to compensate the jailor for keeping said slave, and as the county court of

Recite.

1833. Bracken and the auditor of the state have each refused to settle the claim. Therefore,

Allowance out  
of the treasury.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the auditor of the state be, and he is hereby, authorised and empowered to issue a warrant upon the treasury in favor of Vachel Welden, jailor of Bracken county, for the sum of thirty dollars, and the treasurer is hereby directed to pay the same.

[Approved January 22, 1833.]

CHAP. 105.—AN ACT to authorise the sale of a street in Russellville.

Recital.

Whereas, it is represented that that portion of the cross street, in Morrison's addition to the town of Russellville, which runs from Main street back to the lots of Jonathan Payne, from the gate of E. M. Ewing's house lot, through the same along the Southern boundary of his garden, and upon or near which his carriage house stands, is useless to said town or the public:

Trustees au-  
thorized to sell  
and convey a  
certain street.

*Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky,* That the trustees of said town, or a majority of them, if they think proper, may sell said cross street at private or public sale, at such price as they can obtain for the same, and make conveyance thereof to the purchaser and apply the proceeds to such purpose as they may think proper, for the benefit of said town; and the conveyance made by them, or a majority of them, shall vest in the purchaser a good and valid title to the same, in fee simple.

[Approved January 22, 1833.]

CHAP. 106.—AN ACT for the benefit of the Sheriffs of Gallatin, Pendleton and Bath Counties.

Further time al-  
lowed the sher-  
iff of Gallatin  
to return cer-  
tain lists of de-  
linquent militia  
fines.

*Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Thomas Spillman, sheriff of Gallatin county, be, and he is hereby, allowed until the next court of assessment of the 51st regiment in said county, to return his delinquent list of military fines, any law to the contrary notwithstanding, at which time said court of assessment shall receive and settle the same with the sheriff aforesaid, as if returned at the last court of assessment for said regiment.



Sec. 2. *Be it further enacted*, That the sheriff of Pendleton county be, and he is hereby, allowed until the next court of assessment of the 21st regiment of Kentucky militia, to return his list of delinquents of last year, and that the paymaster shall suspend the collection of said delinquent list until said period, at which time the said sheriff is authorised to lay his said list before said court, and the same proceeding shall be had as though said return had been made in time prescribed by law.

1833.

Same privilege extended to the sheriff of Pendleton.

Sec. 3. *Be it further enacted*, That the sheriff of Bath county be, and he is hereby, allowed until the next court of assessment of the 65th regiment Kentucky militia, to return his list of delinquents of last year, and that the paymaster shall suspend the collection of the amount of said delinquent list until said period, at which time the said sheriff is authorised to lay his said list before said court, and the same proceeding shall be had as though said return had been made in time prescribed by law.

And to the sheriff of Bath.

Sec. 4. *Be it further enacted*, That before any of the sheriffs aforesaid shall be entitled to the indulgence hereby granted, he shall file with the paymaster of the regiment, to whom the fines aforesaid are payable, the written consent of the securities in his official bond, to the indulgence hereby granted, and consent to be bound in the same manner as if no indulgence had been granted.

Conditions on which the indulgences aforesaid may be granted.

[Approved January 22, 1833.]

CHAP. 107.—AN ACT for the benefit of Sally Spillman.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage contract heretofore existing between Sally Spillman and William Spillman, her husband, be, and the same is hereby dissolved, so far as relates to the said Sally Spillman, and she is hereby restored to all the rights and privileges of an unmarried woman.

[Approved January 22, 1833.]

CHAP. 108.—AN ACT for the benefit of Jane Tibbs and Greenberry Tibbs, of Laurel County.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage con-

1833. tract heretofore existing between Jane Byron, of Laurel county, with Alonzo Byron, now known as Jane Tibbs, be and the same is hereby dissolved.

Sec. 2. *Be it further enacted*, That the marriage contract solemnized between the aforesaid Jane with Greenberry Tibbs be, and the same is hereby, ratified and confirmed, upon their filing and acknowledging, to be entered of record, a written acknowledgement that they accept and approve of the provisions of this act.

[Approved January 22, 1833.]

CHAP. 109.—AN ACT to provide for the opening a road from Frankfort to Williamstown, in Grant county.

Recital.

Whereas, it is represented to the present General Assembly that a much better and nearer way can be had for a road from Frankfort to Williamstown, in the county of Grant, than the one at present used. Therefore,

Comm'rs appointed to view a way for a road from Frankfort to Williamstown.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Belfield Glass and Wilson B. Guill, of the county of Owen, and James George and Absalom Skirvin, of the county of Grant, are hereby appointed commissioners, who, or a majority of them, after being first duly sworn, before some justice of the peace, shall view and mark a way for a road, the nearest and most practicable route, between the following points, to-wit: beginning on the state road which leads from Lexington to Ghent, at or near the nine mile tree, between Jeremiah Minor's and Ray Sidebottom's, thence the best route to Eagle Creek, crossing the same at Campbell's mill, and up Payne's run as far as they may think best, so as to take the ridge dividing Payne's run and Deep creek, and following the same to the intersection of the Cincinnati road. And the said commissioners, so soon as they have completed the reviewing and marking the same, to lay it off into convenient sections or precincts, and shall make report of their proceedings, with the probable number of hands necessary for the immediate opening said road, to the court of their respective counties.

Route to be viewed as the site of the road.

To be laid off into precincts and reports to be made.

The county courts of Owen

Sec. 2. It shall be the duty of the county courts of Owen and Grant, immediately upon the reports of said commissioners, to make an order for clearing out

said road thirty feet wide, clear of timber in all practicable places; and said courts shall appoint a surveyor upon each section or precinct, as laid off by the commissioners, and allot him the number of hands which may be necessary to clear the same out, and the boundary from where they are to be drawn, copies of which orders shall be given to each surveyor appointed, within fifteen days after making the same, by the Sheriffs of said counties.

1833.

and Grant to cause said road to be opened, hands allotted, &c.

Sec. 3. Each and every person who shall fail or refuse to do his duty, in clearing out said road, after being duly notified, shall be subject to a fine of one dollar and twenty-five cents, recoverable as other road fines are.

Fines for failing to work on the road.

Sec. 4. Where any person, through whose land the said road shall be viewed, shall object to the opening the same, the Sheriff of the county in which the land may lie, shall, at the direction of the county court, summon a jury to meet on the land on a certain day, who shall be qualified to ascertain the damages that may arise from opening said road, which, together with the Sheriff's fees, shall be paid out of the next county levy of the county in which said land may lie, the claim being first allowed by the county court.

Land may be condemned for the route of the road.

Proceedings therein, and mode of assessing and paying damages.

Sec. 5. That each commissioner shall be entitled to receive one dollar, out of the next county levy of the county in which he or they may respectively reside, for each day he may be necessarily employed in the aforesaid viewing, by his returning a certified account of the time aforesaid to the court of claims.

Compensation to the comm'rs.

[Approved January 24, 1833.]

CHAP. 110.—AN ACT to establish election precincts in the counties of Breckenridge and Hancock.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of the county of Breckenridge, included within the following bounds: beginning on the Ohio river, where the upper line of Hancock county leaves the same, thence with the said Hancock line to the corner of the said county, near Lewis Martin's, thence on a direct line to the road leading from Hardinsburg to the Yellow Banks, at the place lately occupied by Charles Hambleton, thence a straight line to Jacob Weatherholt's, thence a straight line to a point on the road leading

Bounds of the precinct in Breckenridge.

1833.

Place of voting  
therein.

from Hardinsburg to Stephensport, half way between C. Hendrick's and John Huett's, thence with the road by Huett's to a meeting-house near Peterson Hawkins', thence to the head of town creek, and down the same to the Ohio, and down the Ohio to the beginning, be and the same is hereby established an election precinct, to be known by the name of the Cloverport precinct; and that elections shall be held for said precinct in the town of Cloverport, at such place as the trustees of said town shall, from time to time, select; and on their failure to do so, at such place as the judges of the election may select: *Provided*, That the voters of said county shall have the liberty of voting at any legal place of voting in the said county of Breckenridge.

Election pre-  
cinct in Han-  
cock.Place of voting  
therein.

Sec. 2. *Be it further enacted*, That all that part of Hancock county, lying South of the road leading from Hardinsburg to the Yellow Banks, be and the same is hereby established an election precinct, to be known by the name of the Panther creek precinct, and the elections therein shall be held at the place where Thomas Vorhies now resides: *Provided, however*, That nothing herein shall be construed to prevent the qualified voters of said county either to vote at the courthouse or precinct, as they may elect.

Judges and  
clerks to be ap-  
pointed to con-  
duct elections  
therein.

Sec. 3. It shall be the duty of the several county courts of the counties, in which precincts are established by this act, to appoint the necessary officers to conduct the elections in said precincts; and the sheriffs, clerks and judges shall conform to the same rules and regulations, and receive the same compensation as the law allows in similar cases.

[Approved January 24, 1833.]

CHAP. 111.—AN ACT for the benefit of the late Sheriff of Grant County and his securities.

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky, that Martin Draper, Lewis Gregory, Henry Case, Asa Vallandigham and Westley Porter, as securities of William Harrison, late sheriff of Grant county, in consequence of the failure of said sheriff to pay into the public treasury the amount of revenue tax due from said county for the year 1830, and for which judgment has been rendered against them by the general court of this

state, and have sustained a considerable loss from the failure aforesaid: and as said sheriff failed to return any delinquent list for said revenue. For remedy whereof,

1833.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That said sheriff, or the securities aforesaid, shall have the further time of four months to present to the county court of Grant county his delinquent lists for the year aforesaid, for examination and approval, and having the same certified to the Auditor of Public Accounts; and the said county court within the period aforesaid, (a majority of all the justices in commission being present,) is hereby authorised to examine and allow the delinquent lists of the county levy and revenue tax for said year; said delinquent lists, when allowed for revenue tax as aforesaid, shall be received by the Auditor Public Accounts, and credited in the account against said sheriff: and in like manner the county court of Grant county shall receive and credit the amount of the levies contained in said list, in the same manner and under the same rules and regulations as now prescribed by law in such cases made and provided.

[Approved January 24, 1833.]

CHAP. 112.—AN ACT for the benefit of the Clerk of the Garrard County Court.

Whereas, it is represented to the present General Assembly, that the clerk of the Garrard county court failed to renew his official bond at the time prescribed by law in the year 1831; that at the November term, 1831, of said county court, a bond was executed by said clerk and approved of by said court. Therefore,

Resol:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the bond of said clerk of the Garrard county court, which was executed at the November term of said court in the year 1831, shall be as valid and binding, and have the same effect, as though the same had been executed at the time prescribed by law; and the act of said court in receiving and approving said bond is hereby declared legal.

Further time given to renew his official bond

[Approved January 24, 1833.]

1833.

CHAP. 113.—AN ACT for the benefit of the heirs of Samuel Flournoy, deceased.

Whereas, it is represented to the present General Assembly, that Samuel Flournoy, of the county of Caldwell, died seized and possessed of a small tract of land lying in said county, containing about one hundred and fifty acres: And whereas, the estate of the said Samuel Flournoy, at his death was, and is at this time, considerably involved: And whereas, it is represented that it would be beneficial to the widow and heirs of the said decedant, that the said land should be sold for the payment of the debts of said estate, in preference to the slaves which belong to said heirs. Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the judge of the Caldwell circuit court, sitting as chancellor, upon application by bill of the widow and heirs of the said Flournoy, shall be authorised to decree and order a sale, either public or private, of the said tract of land, under such restrictions and in such manner as may best secure the rights and interests of the creditors and heirs of the said decedant, taking bond and security from the commissioner appointed to make said sale, for the faithful application of the proceeds of said sale to the purposes directed by said decree.

[Approved January 24, 1833.]

CHAP. 114.—AN ACT further to improve the Town of Princeton.

The trustees may levy a tax on persons and property.

A tax on theatrical exhibitions, &c.

The limits of the town curtailed.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the trustees of the town of Princeton be permitted to levy, annually, on the persons and property in said town, a tax not exceeding one hundred and fifty dollars, and also to levy a fine or tax on all exhibitions of animals, theatrical performances, circus, &c. and out of the proceeds shall apply so much as they may deem necessary to the building a market-house in said town, and the balance to the improvement of the streets and alleys therein.

Sec. 2. *Be it further enacted,* That lots in Prince's addition to said town, of the following number, to wit: 81, 82, 83, 84, 85, and fifty-seven and a half feet off the most North-Eastwardly end of 56, be stricken off from said town, and shall hereafter be without the jurisdiction of the trustees thereof, being owned and now included in the farm of Elijah Shepherdson.

[Approved January 24, 1833.]

CHAP. 115.—AN ACT to amend the laws concerning Transylvania University.

1833.

Whereas, by an act of the General Assembly, passed the — day of —, a duty was levied upon sales at auction, for the benefit of Transylvania University; and by that act the proceeds or revenue arising from such sales is directed to be wholly expended in the purchase of law books; and it is deemed just and proper that that fund shall be placed in the hands of the trustees, to be applied as other funds are, in the purchase of books and apparatus.

Preamble.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all funds arising from the sales of auction, in the City of Lexington, shall be paid over by the auctioneers to the trustees, or their agent, and be by them applied to the purchase of law books, and such other books, or maps, charts and apparatus as the library of said institution may require.

The tax upon sales at auction to be expended for books, maps, &c.

[Approved January 25, 1833.]

CHAP. 116.—AN ACT to protect the actual settlers in the land district West of the Tennessee river.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall not be lawful for any person, within nine months after the passage of this act, to enter any quarter section or fractional quarter section of land, which has been improved by any actual settler in the land district West of the Tennessee river, at the passage of this act; and any entry made contrary to the provisions of this act, is hereby declared null and void: *Provided, however,* That said settler may, at any time, enter the same: *Provided, further,* That no settler shall be protected in more than two quarter sections of land under the provisions of this act.

No person to enter lands possessed by actual settlers.

[Approved January 25, 1833.]

CHAP. 117.—AN ACT to appoint trustees to the Washington Academy.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Edward B. Gaither, Elias Davidson, William B. Booker, John Hughes, Jr., John W. Cocke, Hugh McElroy, John B. Smith and

1833.

John W. Bainbridge, shall be and are hereby constituted and appointed a board of trustees to the Washington Academy, who shall be vested with all the powers, authorities, privileges, immunities and advantages as are given by law to the former board of trustees to said Academy; and that "an act for the benefit of the Washington Academy," approved January the fourteenth, eighteen hundred and thirty-one, shall be and the same is hereby repealed; and all former laws in relation to said Academy repealed by said act are hereby revived.

[Approved January 25, 1833.]

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CHAP. 118.—AN ACT for the divorce of Mary Richardson.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the marriage contract heretofore existing between Mary Richardson and her husband, Thomas Richardson, so far as respects the said Mary, be and the same is hereby set aside and made null and void; and hereafter the said Mary shall enjoy all the privileges of an unmarried woman.

[Approved January 25, 1833.]

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CHAP. 119.—AN ACT to permit the trustees of Columbus to allow mills and warehouse to be built in the commons of said town.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the trustees of the town of Columbus, in the county of Hickman, or a majority of them, be and they are hereby authorised to permit John Swayne and Price Edrington to erect and build on the bank of the Mississippi river, in the commons of said town, a steam saw and grist-mill and warehouse; and the same, when erected and built, to permit the said Swayne and Edrington, and their heirs, representatives and assigns, to have, hold and enjoy, so long as they may be used and occupied as mills and warehouse.

[Approved January 25, 1833.]



## LAWS OF KENTUCKY.

105

CHAP. 120.—AN ACT for the benefit of the Clerk of Perry County.

1833.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Jesse Combs, clerk of the county court of Perry, be allowed the further time of three months, from and after the passage of this act, to renew his bond as clerk of said court.

Further time  
given to execute  
office bond.

[Approved January 25, 1833.]

CHAP. 121.—AN ACT for the benefit and relief of Eleanor Jewell.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the bonds of matrimony between Eleanor Cromwell and Oliver Cromwell shall be, and the same are hereby dissolved; and the said Eleanor is hereby restored to all the rights and privileges she would have possessed had she never been married.

Divorced from  
O. Cromwell.

Sec. 2. *Be it further enacted,* That the marriage between the said Eleanor Cromwell and William Jewell, in October eighteen hundred and thirty-one, shall be, and the same is hereby, made valid and legal, with the same effect as if the said Eleanor had been a *feme sole* at the time of her said marriage.

Marriage with  
W. Jewell le-  
galized.

[Approved January 25, 1833.]

CHAP. 122.—AN ACT for the benefit of Benjamin Tobin.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Auditor of Public Accounts issue his warrant upon the Treasurer, in favor of Benjamin Tobin, for the sum of fifteen dollars, for his services as commonwealth's attorney for the Grayson circuit court, during the vacancy occasioned by the resignation of Richard Rudd, and before his successor was appointed, which services were rendered by order of said circuit court: and that the Treasurer pay the same out of any money in the Treasury not otherwise appropriated.

Allowance for  
services as  
Commonwealth's  
Attorney.

[Approved January 25, 1833.]

1833.

CHAP. 123.—AN ACT for the benefit of the devisees of Richard Shanklin.

Bullitt circuit court may decree a sale of real estate.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for Sarah Shanklin, widow and devisee of Richard Shanklin, to file her bill in the Bullitt circuit court against the infant devisees of the said Richard Shanklin, stating the facts why it will be of advantage to the said devisees to have their real estate sold; the court shall appoint a guardian *ad litem*, for the infants, who shall traverse the allegations of the bill: and if the court, on the hearing of the cause, shall be of opinion, from the evidence taken, that it will be of advantage to the infants that the real estate should be sold, they shall cause the same to be fairly valued by commissioners, and decree its sale by a commissioner, at a reasonable credit: *And provided,* The sale shall not be made for less than the valuation so made; on the return of the sale and the confirmation of the same by the court, a commissioner shall be appointed to convey the titles of the infants, in which the said Sarah Shanklin shall join, and the deed so made shall be effectual to pass the legal title; the court may direct the purchase money arising from the sale to be paid over to the said Sarah Shanklin, and take from her bond and ample surety, to pay over to the infant devisees their respective proportions thereof, at the times they would, under the provisions of the will, be entitled to their shares of the land, or may direct and cause the same to be vested in lands for their use in any of the other states, or may direct and cause it to be loaned out at interest, and make such distribution of the interest and principal as will be equitable under the provisions of the will.

[Approved January 25, 1833.]

CHAP. 124.—AN ACT to allow the Sheriff of Madison to return his delinquent list in certain cases.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county court of Madison county shall have power and authority, at their January or February terms next, to receive and certify any list of delinquents which may be presented and verified in the manner required by law in such cases, by the Sheriff of said county: *Provided,* That the list aforesaid comprehend persons with the taxa-

ble property for the year eighteen hundred and thirty only, which were transmitted by the Auditor of Public Accounts to said sheriff for collection. 1833.

[Approved January 25, 1833.]

CHAP. 125.—AN ACT to appropriate a part of the vacant land lying between Walker's line and the latitude 30 deg 30 min. North, in the State of Tennessee, for the purpose of improving and finishing the road leading from Mitchell's, Wayne county, to the state line in a direction to Jacksborough and to Barbourville.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky.* That the Register of the Land Office be and he is hereby authorised and required to issue a land warrant for six thousand acres, in the name of the county court of Wayne, to be located in not less than fifty acre surveys, on any vacant land lying in the territory between Walker's line and latitude thirty-six degrees thirty minutes North, and South and East of Wayne county, or on any vacant land in Wayne county, or in that part of Whitley county lying South of Gilie's creek; and the said county court is hereby authorised to sell or have located, surveyed and patented, within the bounds above prescribed, the said six thousand acres of land; and the Register of the Land Office is hereby required to issue patents therefor, without fee; and the said county court is further authorised and required to lay out the proceeds arising from the sales of said warrant, on that part of the road most thinly inhabited, between the Tennessee state line and Rock creek, near Jonathan Blevens's.

Land warrants to be issued to the county court of Wayne  
Their duty.

Sec. 2. *Be it further enacted,* That the Register of the Land Office be and he is hereby authorised and required to issue a land warrant for six thousand acres, in the name of the county court of Pulaski, to be located in not less than fifty acre surveys, on any of the vacant land lying in the county of Pulaski, or in that part of Whitley county through which the following designated road is to pass; and the said court is hereby authorised to sell or have located, surveyed and patented, within the bounds above prescribed, the said six thousand acres of land; and the Register of the Land Office is hereby required to issue patents therefor, without fee; and the said county court of Pulaski is hereby authorised and required to lay out the proceeds arising from the sale of said six thousand acres

Warrants to be issued to the county court of Pulaski.  
Their duty.

1833. of land upon the road leading from Somerset, by the Pine-knot tavern, to the Tennessee state line.

Comm'rs to be  
appointed to  
dispose of war-  
rants.

Sec. 3. *Be it further enacted*, That the county courts of Wayne and Pulaski are hereby authorised and required to appoint a commissioner or commissioners to sell and dispose of the said six thousand acres of land, each, agreeably to the above act, and take bond and good security of said commissioner or commissioners, in such sum as they may think proper, for the faithful discharge of his or their duty, agreeably to the above law; and the said commissioner or commissioners shall not be allowed to sell the said warrants for a less sum than five dollars per hundred acres: *Provided*, That nothing herein contained shall render the state liable as warrantor of the title of said lands.

Provide.

[Approved January 25, 1833.]

CHAP. 126.—AN ACT for the benefit of William Butler, Clerk of the Monroe County and Circuit Courts.

Preamble.

Whereas, it is represented to the present General Assembly, that William Butler, clerk of the Monroe county and circuit courts, failed to renew his bonds of office within the time prescribed by law. For remedy whereof,

May execute  
official bonds.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said William Butler, clerk of the said Monroe circuit and county courts, shall have the right, at any time within six months from the passage of this act, to renew his bonds of office: and the county and circuit courts of Monroe county shall receive said bonds, and approve the security therein, in the same manner as though the same had been tendered within the time prescribed by law for the renewal thereof.

[Approved January 25, 1833.]

CHAP. 127.—AN ACT concerning the Public Library, and to provide for the election of a Librarian.

Librarian to be  
elected.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a keeper of the library of the state shall be elected annually, at the same time and in the same manner that the public treasurer is elected, whose duty it shall be to keep

the library room in order, and to preserve and arrange all the books and maps belonging to the state, and see that no books or papers are taken from the library room, except by the Judges of the Court of Appeals and the clerks of the Legislature; and it shall be the duty of the librarian to receive and receipt for all books, maps and charts, belonging to the commonwealth, and which it may be proper to place in the library; to note all books taken from the library, and to cause them to be duly returned: to annually report to each branch of the Legislature the books in the library, particularly noting such as shall have been purchased or donated during the current year, and in all respects perform the duty of librarian; and if any person shall damage the library or any of its books, charts or maps, or other property, it shall be lawful for said librarian, in his own name, but for the use of the commonwealth, to sue for and recover such books, charts, or other thing, or its value, before the proper tribunals having jurisdiction in like cases.

1833.

His duty.

Sec. 2. *Be it further enacted*, That the sum of five hundred dollars per annum, for the term of five years, shall be, and the same is hereby appropriated, for the gradual increase of the library, to be laid out and expended by said librarian for law books and other valuable books, under the direction and advice of the Judges of the Court of Appeals for the time being; and it shall be the duty of the Executive, so soon as the said librarian shall on oath state, that he hath either purchased books or contracted for their purchase, in each and every year, to draw his warrant in favor of said librarian on the treasury, for any amount, from time to time, so that he does not in any one year draw for more than five hundred dollars.

Appropriation  
for the purchase  
of books.

Sec. 3. *Be it further enacted*, That the said librarian shall keep a true and fair account of all expenses of the library, the costs and expenditures of all books bought for its use, and lay the same annually before the legislature; and it shall moreover be his especial duty, to preserve and keep safe a sufficient number of copies of the annual session Acts of the Legislature, and of all reports and abridgements of the laws which may be passed or completed under and by the authority of the Legislature.

Further duties  
of Librarian.

[Approved January 25, 1833.]

1833.

CHAP. 128.—AN ACT for the benefit of the legatees of Richard Allen, deceased.

Preamble.

Whereas Richard Allen, of Garrard county, by his last will and testament, after disposing of other parts of his estate, directed the balance to be divided into three equal shares, one of which he directed should go to his daughter Patsy Hiatt, another to his daughter Polly Marksberry's three children, and the other to his daughter Barbara Beazley's children: And whereas, also part of the aforesaid legatees are infants, and it is represented that the estate aforesaid bequeathed cannot be divided in kind between the legatees, and that it was intended by the testator to authorise, and after he had made his will believed he had authorised, his executor to sell the estate bequeathed as aforesaid, and distribute the proceeds among the legatees aforesaid: And whereas, also it is represented, that a sale of the aforesaid estate would redound to the benefit of the infant legatees, but doubting his authority under the will, the executor is unwilling to make the sale without legislative enactment: Wherefore—

Executor to give bond and sell the estate.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That after the executor aforesaid shall have executed, in the county court of Garrard county, bond with security to be approved by said court, to the legatees aforesaid, in a reasonable penalty to be fixed by the court, and conditioned faithfully to perform the duties imposed by this act, and after advertising the time and place of sale at the court-house door in Lancaster, and some three other public places in Garrard county, at least two weeks before the day of sale, he shall sell at such place as he shall judge most proper, at public outcry, on a credit of one year, the estate aforesaid, taking bond from the purchaser or purchasers, with approved security, payable to himself.

And make distribution.

Sec. 2. *Be it further enacted*, That after selling the estate, it shall be lawful for the executor to make distribution of the bonds taken for the sale money among the legatees if practicable, if not, the executor, after he shall have received the proceeds of the sale, shall make distribution of the money among the legatees, according to their respective rights under the will.

[Approved January 25, 1833.]

CHAP. 129.—AN ACT to enlarge the town of Madisonville.

1833.

Whereas, it is represented to the present General Assembly of the Commonwealth of Kentucky, that sundry citizens of the county of Hopkins, living contiguous to the town of Madisonville, and desirous of having a portion of their lands added to said town, and having had the necessary streets and alleys laid off: Therefore—

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the lands included within the boundaries herein described, shall be added to and constitute a part of said town of Madisonville, to-wit: beginning at the North-East corner of said town, thence East twenty-five poles to a stake, thence South fifteen minutes East, one hundred and sixty poles to a stake, thence West twenty-five poles to the South-East corner of said town, thence beginning at the South-West corner of said town, running thence West forty poles to a stake, thence North one hundred and sixty poles to a stake, thence East forty poles to the North-West corner of said town.

[Approved January 25, 1833.]

CHAP. 130.—AN ACT to legalize the proceedings of the Court of Assessment of fines of the 20th Regiment of Kentucky Militia.

Whereas, it is represented that the Court of Assessment for fines of the twentieth Regiment of Kentucky Militia, by mistake, had their session on the last Monday in October last, instead of the first Monday in November, as they should by law have done: Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the proceedings of said Court of Assessment, had at their said session in October last, be and the same are hereby legalized.

[Approved January 25, 1833.]

CHAP. 131.—AN ACT for the benefit of the heirs of John Nalle, Jr.

Whereas, it is represented to the present General Assembly, that John Nalle, Jr. departed this life, and at his death made and published his last will and testament, leaving a number of heirs, part of them infants, part *feme coverts*, and part of full age; that his land is not capable of a division, owing to the smallness of the tract, (being two hundred and twenty acres,) Preamble.

1833.

and the number of heirs; and that the slaves, being only three in number, cannot be divided for the same reason: For remedy whereof—

Nelson circuit court may decree a sale of land.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it may be lawful for the heirs of said John Nalle to exhibit their petition in the Nelson circuit, setting out the facts contained in this bill; and if the court shall be of opinion that the land and slaves cannot be divided, when the interest of the heirs is consulted, and that it will be for their benefit that the same shall be sold, to order and decree a sale, upon such terms and conditions as the court may direct, and to award a distribution of the proceeds of the sale among the heirs and distributees, as the will of the testator and the law may direct.

[Approved January 25, 1833.]

CHAP. 132.—AN ACT further to regulate the town of Springfield, in Washington county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the out lots in the town of Springfield, in Washington county, and the persons residing thereon, shall hereafter be subject to the rules and regulations made by the trustees of said town, and be subject to all and every description of taxes levied by the trustees of said town on the in lots and citizens of said town: *Provided, however,* The trustees of said town shall not have power to levy a tax on any negroes, horses, or any other taxable property that may be in the possession of any person living on the said out lots, that said person may use for the cultivation or maintenance of his or her farm. All acts or part of acts contrary to this act are hereby repealed.

[Approved January 25, 1833.]

CHAP. 133.—AN ACT to permit the sale of two small tracts of land belonging to Nancy Dulin, an idiot.

Whereas, it is represented to the present General Assembly that Nancy Dulin, an idiot, residing in the county of Spencer, and under the jurisdiction of the Spencer circuit court, is the owner of a small tract of land, containing only twenty acres, lying in said county, which descended to said Nancy from her father, Edward Dulin; and also, that said idiot is the owner



of another small tract of land, containing only three acres and three quarters, which descended to her from her grandfather, Thaddeus Dulin, and which lies in the county of Fayette; and whereas, it is further represented that said lands produce very little profit for the maintenance of said idiot, and she having but little personal estate, it would redound to her comfort and interest to permit the sale of said two tracts of land in preference to selling the personal estate to which she is entitled: Wherefore—

1833.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the circuit court of Spencer county, upon the petition of the committee of said idiot being filed, praying the sale of said tracts of land, and the court being satisfied of the propriety of a sale, to order and decree the sale and conveyance of either or both said tracts of land, by said committee or a commissioner or commissioners of said court, for the use and benefit of said idiot, under such terms and conditions as to said court shall seem proper: *Provided, however,* That before any order or decree shall be made for the sale of said lands, the committee of said idiot shall execute, in said court, bond with security, to be approved of by said court, in the penalty of three hundred dollars, payable to the Commonwealth of Kentucky, for the use of said idiot and her heirs, conditioned to faithfully manage and dispose of the proceeds of said lands, when received according to law, and the future orders of said court which shall be made in relation thereto.

[Approved January 25, 1833.]

CHAP. 134.—AN ACT for the benefit of William Davis, of Whitley County.

Whereas, it is represented to the present General Assembly, that William Davis, of Whitley county, is old, poor and deformed, having but one hand, and thereby compelled to follow the business of wagoning for a support, and the tolls on the Wilderness Turnpike Road are very oppressive to him: For remedy whereof—

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That no toll shall be demanded of said Davis in passing either of the gates on the Wilderness road with his wagon and team.

[Approved January 25, 1833.]

1833.

CHAP. 135.—AN ACT to provide for copying and preserving certain records belonging to the office of the Surveyor of Harlan County.

Preamble.

Whereas, it is represented to the present General Assembly of the Commonwealth of Kentucky, that the books in the surveyor's office of Harlan county, in which many of the early surveys made in the counties of Knox, Whitley and Harlan, were recorded, have become mutilated, the leaves torn and loose, so that they are in danger of being lost: Therefore—

Surveyor to transcribe books

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the surveyor of Harlan county be, and he is hereby, authorised and required to transcribe and copy so much of said record books as may be adjudged endangered by mutilation, or loose leaves, and make out a complete alphabet therefor.

County courts of Knox, Whitley and Harlan to appoint comm'rs to examine the transcript.

Sec. 2. *Be it further enacted*, That the county courts of Knox, Whitley and Harlan, be, and they are hereby, required to appoint one qualified person each, to examine said books of surveys, and report to said county courts the number of pages which, in their opinion, it will be necessary to copy, which said report shall be entered upon the record books of said courts, and the said surveyor shall cause the same to be transcribed agreeably to the first section of this act: and the persons appointed to make said report shall superintend the copying of so much of said books as are required to be transcribed, and see that it be correctly done, all which they shall report to said courts.

Pay to surveyor

Sec. 3. *Be it further enacted*, That the said surveyor shall be allowed the sum of one and a half cents for every twenty words he shall write in copying said records, and two dollars a day for making an alphabet therefor, to be paid out of the county levies to be levied at their next court of claims.

Comm'rs to examine the transcript and certify the same.

Sec. 4. *Be it further enacted*, That so soon as the said record of entries and surveys are transcribed, the persons appointed by the said county courts to direct what part of said record is to be transcribed, shall carefully examine and compare the copy thus made out with the original, and if they find it correct, it shall be their duty to certify, under their hands, that they have carefully examined and compared the entries and surveys thus copied with the original books, and that the same contains a full, true and perfect transcript, of the entries and surveys of which it purports to be a copy: and the persons thus employed

shall be entitled to one dollar per day each, for their services, while thus engaged in comparing said copies, to be paid out of the county levies of the respective counties appointing said examiners.

1833.

Their pay.

Sec. 5. *Be it further enacted*, That the copy made out as aforesaid shall have all the force, credit and validity, which the original had: and that any copy or copies therefrom duly attested, according to the ordinary forms of law, by the surveyor, shall have the same force, credit and validity, of a copy from the original.

Copies to have the same force as if copied from the original.

[Approved January 25, 1833.]

CHAP. 136.—AN ACT appointing Trustees to the Glasgow Academy.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of an act, entitled, "An act establishing an Academy in the county of Barren," approved December, eighteen hundred and nine, as appoints certain individuals trustees of said academy, be, and the same is repealed.

Sec. 2. *Be it further enacted*, That George W. Tra-  
bue, James Murrell, Sylvanus M. Bagby, Walter Bag-  
by, Benedict B. Crump, George Rogers and Franklin  
Gorin, shall be, and are hereby, constituted a body  
politic and corporate, to be known by the name of the  
trustees of the Glasgow Academy: and shall have and  
possess all the powers and privileges which were con-  
ferred, by the aforesaid recited act, upon the persons  
named in the first section of the said recited act.

[Approved January 25, 1833.]

CHAP. 137.—AN ACT to authorise the establishment of a Library in  
Rockcastle county, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James McCall, Wil-  
liam Butcher, Richard Randalls, John Colyer, John  
B. Dysart, Josiah Jopling, John Crawford, Henry S.  
Langford, James C. Jones, Isaac Weagle, Mason C.  
Miller, Samuel Wilson, Elisha Smith, Schuyler Bar-  
nett, Reuben H. Elkin, James Terrell, John Lytle,  
James S. Henderson and John A. Moore, are hereby  
appointed commissioners, who, or a majority of them,  
after the first day of May next, shall open books of

Comm'rs ap-  
pointed to re-  
ceive subscrip-  
tions.

1833.

subscription, in Mount Vernon, or any other places in the county of Rockcastle, for subscribers, to raise a fund for the establishment of a library in Mount Vernon, aforesaid, to be called the Mount Vernon Library.

Number of  
shares.

To purchase  
books for said  
Library.

Sec. 2. *Be it further enacted*, That the number of shares in said library shall not exceed one hundred, of five dollars each; and when one hundred shares are subscribed and paid for, it shall be the duty of said commissioners, or a majority of them, to purchase, with the funds so raised, all such books, for the use of said library, as they may deem most useful and proper.

May appoint a  
clerk.

Subscriptions  
when, and to  
whom to be  
paid.

May be sued  
for and recover-  
ed.

Sec. 3. The said commissioners, or a majority of them, shall appoint such person to act as their clerk as they deem proper, and all subscriptions to said Library shall be payable to the clerk of said commissioners; and be paid in the following manner: for each share, and so in proportion for a greater number of shares, one third in three, one third in six, and the remaining third in nine months; such payments shall be made to the clerk of said commissioners, and on default in making all or any of such payments, suits, by warrant or otherwise, shall or may be brought in the name of said clerk, for the use of said commissioners, against such defaulting subscriber or subscribers.

To appoint a  
President and  
clerk.

Quarterly  
meetings to be  
held.

May rent an  
office, &c.

Sec. 4. *Be it further enacted*, That said commissioners shall, before opening books of subscription, meet and appoint a president and clerk, and cause a record of their proceedings to be kept; a majority of them shall constitute a board for the transaction of all business; they shall meet at the court-house in Mount Vernon, or at the office of the library, once in every three months, and enact such by-laws and ordinances, for the management and control of their affairs, as they may deem proper: *Provided*, such by-laws and ordinances be not inconsistent with the laws or constitution of this Commonwealth; they shall have power to rent an office or to build one, to make provision for the payment of their clerk, to remove him and provide another in his place.

The county  
court to appoint  
five trustees  
annually.

Sec. 5. After the subscription shall have been filled and the library purchased, it shall be the duty of the first court of claims thereafter to appoint five trustees to superintend said library and manage its concerns; and for their services they shall each be entitled to the use of the books for one share; and the

commissioners aforesaid shall, on the appointment of such trustees, cease to act or have any power or control over said library or its affairs; and they shall immediately hand and deliver over to said trustees all the books, and papers, and records belonging to said library.

1833.

Sec. 6. The trustees aforesaid shall continue in office until the next regular court of claims of Rockcastle county, at which time a new appointment shall be made, and so annually thereafter; a majority of such trustees shall constitute a board, and appoint a clerk and librarian, and may require bond from him with security, payable to this commonwealth, for the faithful discharge of his duty: and for any breach thereof, suit may be brought thereon in the name of the commonwealth, for the use of the trustees of the Mount Vernon Library; such trustees may adopt any such by-laws or ordinances as may have been made by said commissioners, or may abrogate them and make new ones, and may remove their clerk or librarian when they, or a majority of them, may think proper, and appoint another in their place: *Provided, however,* That when one hundred dollars is actually paid in, the said commissioners may proceed to purchase such books as they may think proper.

Trustees to appoint a clerk and librarian.

To take bonds from them, &c.

May enact by-laws, &c.

Sec. 7. *Be it further enacted,* That the provisions of this act shall extend to the establishment of a library in the town of London, Laurel county: and that Thomas Robertson, David Weaver, Gabriel H. Price, Jarvis Jackson, William H. McKee, Jedediah Hebbon, Abraham Chesnut, Lott Pittman, John Peal, jr. John Mershon and Brancum Hill, are hereby appointed commissioners accordingly, who, or a majority of them, are hereby authorised to cause books of subscriptions to be opened, at such places as they may deem proper, for the subscription of stock not exceeding in the whole five hundred dollars, for the purpose of establishing a library in said county of Laurel.

Subscriptions for a library in London to be opened.

Sec. 8. *Be it further enacted,* That if for any cause the county court of Rockcastle may fail to appoint the trustees as herein provided for, the commissioners herein appointed, or a majority of them, may exercise all the powers conferred on the trustees until they shall be appointed: and after they shall have been appointed, shall continue in office until their successors shall have been appointed as herein provided for.

The comm'rs to continue to act on a failure of the county court to appoint trustees.

1833.

CHAP. 138.—AN ACT to amend the Road Laws so far as respects the County of Mason.

Persons liable to pay the road tax in said county may pay it in labor on the roads.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter all persons in the county of Mason who are liable to a revenue or poll tax, for opening and repairing the public roads of said county, under an act approved January 29th, 1830, shall be allowed at the rate of seventy-five cents per day, for every day's labor which they may perform on said roads, not exceeding the amount of tax for which they shall be liable as aforesaid.

[Approved January 25, 1833.]

CHAP. 139.—AN ACT to amend an act to establish an Election Precinct in Pendleton County, approved January 29th, 1830, and for other purposes.

Place of voting in the election precinct changed.

*Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the place of voting in the election precinct established by the afore cited act, in the county of Pendleton, shall hereafter be at the house of Robert Taylor, near the mouth of Flour creek, instead of "at the house of John Ellis on the ridge": and the county court of said county shall appoint officers to conduct the elections as heretofore.

Three additional terms allowed to the county court.

*Sec. 2. Be it further enacted,* That from and after the passage of this act, the aforesaid county court is hereby authorised to hold additional terms, in the months of April, July and October: and shall commence its terms on the first Monday in each month, instead of the third.

An additional constable allowed.

*Sec. 3. Be it further enacted,* That the said county court is hereby authorised to appoint one additional constable, who shall reside within the bounds of the aforesaid election precinct.

The county court authorized to appoint reviewers of the state road from Frankfort to Neville, Ohio.

*Sec. 4. Be it further enacted,* That the county court aforesaid shall have full power, at any time hereafter, upon the application of any person or persons, to appoint three disinterested housekeepers, commissioners or viewers, any two of whom may act, after being duly sworn, impartially to review any part or portion of the state road, leading from Frankfort to Neville, within the boundaries of said county, where a change may be proposed; and such commissioners shall, under the existing law now in force, report to said court

the conveniences and inconveniences the public, as well as individuals, may sustain by such contemplated change: and upon the return of the report, the court shall have full power, if they deem it advantageous, to make and order the change, agreeably to the provisions of the laws now in force regulating applications of a similar kind: *Provided, however,* That the road shall be opened and completed in every respect in conformity to the requisitions of the act of Assembly originally directing and authorising the opening of the same: *And provided, further,* That when the said court shall make an order to change the location of the aforesaid road, a majority of all the justices in commission shall be present: and nothing in this act contained, shall be so construed as to prevent appeals from the decisions of said court as now provided for by law.

1833.

And to change  
the location  
thereof.

Provide.

[Approved January 25, 1833.]

CHAP. 140.—AN ACT to revive and continue in force an act, entitled, "an act to establish the town of Vanceburg, approved January 24, 1827, and for other purposes."

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the passage of this act, the act entitled, "an act to establish the town of Vanceburg, in Lewis county, and for other purposes, approved January 24, 1827," shall be in full force and effect.

The act of 1827  
continued in  
force.

Sec. 2. *Be it further enacted,* That the free male citizens, above the age of twenty-one, residing in the county of Lewis, being lotholders in the town of Concord, and the free male inhabitants above the age of twenty-one, residing in the town, are hereby authorised and empowered, on the first Monday in May next, to elect five trustees for said town, in the room and stead of those now in office and appointed by the county court; and the voters, qualified as aforesaid, may annually thereafter elect trustees for said town, who shall hold their offices until their successors shall be duly qualified; the said trustees shall have the powers and privileges, in reference to said town of Concord, as are conferred by the above recited act upon the trustees of the town of Vanceburg; the first election for trustees shall be conducted by any two of

Trustees to be  
annually elect-  
ed.

Powers, &c.

Elections, by  
whom conduct-  
ed.

1833. the trustees of said town, now in office, and thereafter, by two of the trustees that shall be in office at the time of said election.

[Approved January 25, 1833.]

CHAP. 141.—AN ACT to amend an act organizing a Fire Company in the town of Augusta.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the fifth section of an act, entitled, "an act to organize a fire company in the town of Augusta, approved January 28, 1830," as exempts every member of said company from serving on grand and petit juries, be and the same is hereby repealed.

[Approved January 25, 1833.]

CHAP. 142.—AN ACT to incorporate the Franklin Insurance Company.

*Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Jacob Swigert, Edward P. Johnson, John H. Hanna, Jameson Samuel and Edmund H. Taylor, together with their associates, successors and assignees, be and they are hereby created and made a corporation and body politic, under the name and style of the Franklin Insurance Company, and shall continue until the first day of January, 1854; and by that name are made capable in law to have, purchase or receive, possess, enjoy and retain to them and their successors, lands, rents, tenements, goods, chattels, public or private securities, of any kind, quality or nature whatsoever, and to sell and dispose of the same, at any time or in any manner, and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in any court of record or in any place whatsoever; also, to make and use a common seal, and the same to break, alter or renew, at pleasure; also, to ordain, establish and put into execution such by-laws as may be necessary and convenient for the government of said corporation, not contrary to law: *Provided, however,* That the corporation shall not be capable in law to have, purchase, receive, possess, enjoy or retain more lands or tenements than is necessary and proper to enable it to transact its business, in carrying into effect the objects of this charter.

Part of an act  
of 1830 repealed.

Names of persons incorporated  
and style of  
incorporation.

Duration of  
charter.

Corporate powers.

Proviso.



Sec. 2. The capital stock of this company shall be one hundred thousand dollars, in one thousand shares of one hundred dollars each.

1833.

Sec. 3. The corporators named in this act, or any one or more of them, shall, within thirty days after the passage of the same, give notice in one of the newspapers printed in Frankfort, of the time and place of opening books for the subscription of stock; and when the whole of said stock has been subscribed, the person or persons who gave the first notice shall give a like notice of a meeting of the subscribers, when ten dollars shall be paid in hand on each share subscribed for, and the remaining ninety dollars in each share secured by note of hand, with one or more sufficient security or securities, payable to said corporators for the use of said company; and such notes, so given, shall be paid at such times as the President and Directors of said company may direct; and all such subscribers as shall fail to pay ten dollars on each share subscribed for, and execute a note, with security or securities as aforesaid, for the balance, on the day designated in the second notice, shall cease to be stockholders: and the stock subscribed for by them may be subscribed for by others, under the direction of the person or persons who received the original subscriptions. And as soon as the ten dollars on each share is paid and the remaining ninety dollars secured as aforesaid, the said corporators, or some one of them, shall give a public notice for a meeting of the stockholders to choose a President and six Directors. And the said corporators shall be inspectors of the first election of President and Directors, and shall certify under their hands the names of those duly elected, and deliver over the subscription books, money and notes, to the President and Directors; and in case of the death or resignation of the President, or any Director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the Board of Directors: and in case of the absence of the President, the Board of Directors shall have power to appoint a President *pro tempore*, who shall have, for the time being, the powers and functions of the President.

Books to be opened for the subscription of stock.

First meeting of stockholders.

Stock, how and when to be paid in.

Stockholders to elect a Pres't and Directors.

Vacancies to be filled by the board.

Sec. 4. After the first election, the annual elections for President and Directors shall be held on the first Monday in January in each year: and in case it should at any time happen that an election for President and

Annual election of Pres't and Directors to be held.

1833.

Directors shall not be made on the day designated by this act, the corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold and make an election of President and Directors, in such manner as shall have been regulated by the by-laws of said corporation: *Provided*, That such an election is made within sixty days thereafter.

Stock may be forfeited for a failure to pay the instalments.

Sec. 5. The stock of the said corporation shall be assignable and transferrable, and shall be considered as personal property; and if any subscriber, his or her assignee or transferee, shall refuse or neglect to pay the second and third instalment called for and demanded by the President and Directors as aforesaid, within ninety days after the time designated for the payment of such instalment, such subscriber, his or her assignee or transferee, shall forfeit each and every share on which the payment shall not be duly made on account of the shares so forfeited, and new subscriptions may be opened for the shares so forfeited; and when the stock is taken, after paying the instalment for which forfeited, the residue of the share or shares shall be secured by security or securities as aforesaid.

And new subscriptions authorized.

One vote allowed for each share and regulations as to voting stock.

Sec. 6. In the election of President and Directors, and for deciding all questions in general meeting of the stockholders, each and every stockholder shall be entitled to as many votes as he or she has shares. No stockholder shall vote at any election for President and Directors after the first election, unless the share or shares which he or she may represent shall have been standing in his or her name in the books of said corporation for at least three months previous to such election.

The corporation authorized to insure against fire, boats, vessels, &c. merchandize and on lives.

Sec. 7. The corporation hereby created shall have power to make all kinds of insurance against fire, and also to make all kinds of insurance on vessels, boats and crafts, of any description, on the interior rivers, lakes, bays, bayous, or canals, in the United States, as well as on goods, wares, merchandize, produce, specie, freights, and every description of property transported by land or by water within the United States, and likewise to make insurances on lives, by sea, on water, and on shore, and to contract for, grant and sell annuities, and to make all kinds of contracts in which the casualties of life are principally involved, and every such contract, bargain, agreement and policy, to be made by the said corporation, shall be in

writing or in print, and shall be signed by the President, and attested and signed by the Secretary or Clerk who may be appointed by the President and Directors for that purpose.

Sec. 8. It shall be the duty of the President and Directors, on the first Mondays of January and July in each and every year, to make a dividend of so much of the profits of the said corporation as to them, or a majority of them, shall appear advisable; and in case of any loss or losses, whereby the capital stock of the corporation shall be impaired or lessened, no subsequent dividends shall be made until a sum equal to such diminution, and arising from the profits of the said corporation, shall have been added to the capital.

Semi-annual dividends of profits to be made.

Sec. 9. The President and three Directors, or, in case of the absence of the President, four Directors of the said corporation, shall form a board, and be competent to transact all the business of the corporation: and they shall have full power to make and to prescribe such by-laws, rules and regulations, as to them shall appear needful and proper touching the management and disposition of the stock, property, estate and effects, and shall also have power to appoint a Secretary, and such other officers for carrying on said business as to them shall seem meet, and to establish and fix such salaries and allowances to them, and also to the President, as to the said board shall appear proper: and the said board, by its order, may vest in the President and Secretary power to make insurances agreeably to this act: and the acts of such President and Secretary, when done, shall be binding and obligatory on it to all intents and purposes.

Quorum to do business.

May enact by-laws and appoint their officers and fix their salaries.

Sec. 10. The said corporation shall not issue notes or bills of credit.

Banking powers prohibited.

[Approved January 25, 1833.]

CHAP. 143.—AN ACT concerning the town of Henderson, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the town of Henderson be, and they are hereby, authorised and empowered to levy an advalorem tax on the property of said town, not exceeding twenty-five cents in the hundred dollars, and also poll tax on every free

Trustees may levy tax.

1833. male inhabitant of said town, above the age of twenty-one years, not exceeding one dollar.

Appoint an assessor and collector.

Sec. 2. *Be it further enacted*, That it shall be lawful for the trustees of said town, at any time in each year, to appoint a town assessor, a town collector, and overseers of the streets; and that it shall be the duty of the town assessor to make out and return, with the schedule of each person's property, a list of all the free male inhabitants of said town, over the age of twenty one years.

Proceedings in 1831 legalized.

Sec. 3. *Be it further enacted*, That the proceedings of said trustees, so far as relates to the appointment of an assessor and collector of the town tax for 1831, be and the same are hereby legalized.

Repealing clause.

Sec. 4. *Be it further enacted*, That the law limiting the amount of the tax for said town to two hundred and fifty dollars annually, and all laws requiring the citizens to labor on the streets of said town, together with all laws coming within the purview of this act, be, and the same are hereby, repealed.

Proceedings of the court of assessment of 26th regiment legalized.

Sec. 5. *Be it further enacted*, That the proceedings of the Court of Assessment held by the officers of the twenty-sixth Regiment of the Kentucky Militia, in November, eighteen hundred and thirty-two, shall, to all intents and purposes, be as legal as if the court had been held and the proceedings had on the day fixed by the then existing law.

[Approved January 25, 1833.]

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CHAP. 144.—AN ACT to authorise persons prosecuted for felony in the county of Jessamine to be confined in the jail of Fayette.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the Sheriff of Jessamine county to convey from the county of Jessamine to the jail of Fayette county, any person who may be, at any time, before the jail of Jessamine county is finished, in his custody, under prosecution for felony; and it shall be the duty of the jailor of Fayette county to receive and keep in his jail any such person, under the rules and restrictions applicable to persons committed to his custody, for like offences, in the county of Fayette: *Provided, however*, That it shall be the duty of the Sheriff of Jessamine county to apply for and receive into custody, from the jailor of Fayette, any such person, at such

time or times as may enable him to have such person forthcoming, in the county of Jessamine, at any time of trial. 1833.

Sec. 2. *Be it further enacted*, That the Sheriff of Jessamine shall be allowed the sum of two dollars for each day he may be employed in taking persons to the jail of Fayette county and returning with them to the circuit court of Jessamine county, to be paid out of the county levy of Jessamine county; and that the jailor of Fayette county shall be allowed the same fees for keeping such persons as are allowed by law in other cases, which shall be certified by the circuit court of Jessamine county.

[Approved January 25, 1833.]

CHAP. 145.—AN ACT for the benefit of James Blincoe's heirs.

Whereas, James Blincoe, of Nelson county, departed this life on the — day of —, 1831, leaving Rosanna Blincoe his executrix and widow, and Felix Pitts his executor, and eight infant children. The said Blincoe was considerably indebted, at the time of his death, and was possessed, at his death, of property sufficient to pay said debts, consisting of a few slaves and personal property, together with a small landed estate; and it is represented further that the debts will, in a regular course of administration, exhaust all the personal property and slaves and leave the family entirely destitute of the means of support: For remedy whereof— Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the executors of said Blincoe are hereby authorised to exhibit their bill, in the Nelson circuit court, against the heirs of said Blincoe, and upon it appearing to the satisfaction of said court it would be for the benefit of the heirs and widow of said Blincoe to sell his landed estate, or any part thereof, for the payment of his debts, that it shall and may be lawful for the court to decree a sale of such part of the said Blincoe's land, as to said court shall seem most expedient for the benefit of said heirs, and upon such terms and conditions as the court shall direct. Nelson circuit court may decree a sale of land of the deceased.

Sec. 2. *Be it further enacted*, That the commissioner or commissioners, who may be appointed to sell said land, shall give bond and good security, to ac- Proceeds of the sale, how to be applied.

1833.

count for the funds of said sale in the following manner: first, the judgment debts, in the order as now prescribed by law, and that the residue of the proceeds of said sale, if there be any; as the will of the testator, or, in the absence of any direction in the will, as the law may direct.

[Approved January 25, 1833.]

CHAP. 146.—AN ACT for the benefit of the estate of Henry Ditto, Jr.

Hardin circuit court may decree a sale of land to pay debts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for Thompson Kendall and John B. Trueman, administrators of Henry Ditto, Jr., to file a bill in the Hardin circuit court, against the widow and heirs of the said Ditto, alleging that it was the desire of the said Ditto that his real estate should be sold for the payment of his debts, and that his slaves should be saved for the use and support of his family; and that it would be to the advantage of the widow and heirs of said Ditto to substitute land for the payment of debts instead of the slaves; also, stating the amount of debts which the personal estate will not pay, and what tracts of land they contemplate selling for the payment of the debts; and on the trial of the cause, if the court, from the evidence, shall believe it will be to the advantage of the widow and heirs of said Ditto to substitute land for the payment of debts, and save the slaves for the support and maintenance of the family, the court shall appoint commissioners to value the land proposed to be sold, and shall decree the sale of said land, for the payment of the debts, and direct the minimum price at which the land shall be sold, and the credit at which the sale shall be made, and such orders as will secure the payment of the purchase money; and on the confirmation of the sale and the payment of the purchase money, the court shall cause a conveyance of the land sold, to the purchaser, by the widow and adult heirs of said Ditto, and by a commissioner on behalf of the infant heirs, which deed shall effectually pass the legal estate. The court, before directing the proceeds of the land sold to be paid over to the administrators, shall require from them bond and ample security, to disburse said money in the payment of the debts of the said Ditto; and if any surplus should remain, after

the payment of the debts, to pay the same over to the distributees of the said Ditto.

1833.

[Approved January 25, 1833.]

CHAP. 147.—AN ACT to establish election precincts in Woodford, Graves, Whitley and Henderson counties.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of Woodford county, included within the following boundary, shall be, and the same is hereby, established an additional election precinct in said county, viz: beginning at the mouth of Clear creek and up the same to Combs' mill, thence a straight line to the Jessamine line, so as to include the dwelling house of David Rice, thence with the Jessamine line to the Kentucky river, and down the same to the beginning. The qualified voters in said precinct shall meet at the house of Benjamin Elkin for the purpose of voting at all legal elections. Woodford precinct.

Sec. 2. *Be it further enacted,* That hereafter it shall not be lawful for any person to vote at any precinct in said county of Woodford, designated for holding elections, except the qualified voters who shall be actually residing within the bounds of said election precinct at the time of the commencement of the election, any former law to the contrary notwithstanding; nor shall the qualified voters, residing in one precinct, be permitted to vote in any other precinct in said county, except those residing in the precinct created by this act, and whose residence shall be nearer Mortonsville than the place appointed for voting by this act, and in such case they may, at their election, vote in either precinct.

Sec. 3. *Be it further enacted,* That all that part of Whitley county, in the following bounds, to-wit: beginning on the top of Gellico mountain, on the state line, between Gellico and the Clear Fork, so as to include the waters of Gellico to its mouth, thence down Cumberland river to the line between Whitley and Pulaski, thence with said line to a point opposite the mouth of Rock creek, on the big South Fork, thence up the same to the state line, thence with the said state line to the beginning, shall be an election precinct in the county of Whitley, and the election, for said precinct, shall be held at the house of James Carroll, late the residence of S. Kidd, on Mash creek. Whitley precinct.

1833.

Graves precinct

Sec. 4. *Be it further enacted*, That an election precinct shall be, and the same is hereby, established in the county of Graves, to be holden at the house of Henry Fulgham.

Henderson precinct.

Sec. 5. *Be it further enacted*, That an election precinct shall be, and the same is hereby, established in the county of Henderson, in that part of said county called and known by the name of the Big Bend of the Ohio, to be called and known by the name of the Big Bend precinct, and said election shall be holden at the house of William B. Cannon.

Judges, &amp;c. of election to be appointed, polls compared, &amp;c.

Sec. 6. *Be it further enacted*, That the county courts of the counties of Woodford, Graves, Whitley and Henderson shall appoint judges and a clerk to the elections to be held in each precinct established by this act, who shall be governed, in all respects, by the laws now in force governing elections. And it shall be the duty of the sheriff attending the elections in said precincts, to meet and compare the polls at the time and place, in each of the aforesaid counties, now designated by law for the comparison of polls.

[Approved January 25, 1833.]

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CHAP. 148.—AN ACT for the benefit of William P. Smith, John J. Smith, Francis J. Hopkins, and others.

Preamble.

Whereas, it is represented to this General Assembly, that William P. Smith, John J. Smith, Francis J. Hopkins and Elizabeth H. Hopkins (late Smith) his wife, Tabitha O. Smith, Mary J. Smith, Robert T. Smith, David H. Smith and Susan A. Smith, the last five of whom are infants under the age of twenty-one years, are entitled by purchase to a joint and equal interest in the following described property, to-wit: A tract of land in Henderson county, in lot number twenty-eight in Henderson & Co's. grant, containing five hundred and forty-three and three-fourth acres; also, a tract of twenty acres, being ten acre lots, numbers one and two adjoining the town of Henderson, and formerly a part thereof; in which said tracts of land, when divided, the shares of said infants will be too small to be made available, by renting or otherwise, in their support and education; and also to five negroes, which cannot be divided in kind, there being eight grantees, each one of whom is entitled to a share in them.



1833.

And whereas, also it is represented to this General Assembly, that the said William P. Smith, John J. Smith, Francis J. Hopkins and Elizabeth H. Hopkins (late Smith) his wife, Tabitha O. Smith and Mary J. Smith, are each entitled by devise to one-fifth of two other negroes, which negroes also cannot be divided in kind; and also, that the last named persons are each entitled by devise to the one-twentieth part of a house and lot in the town of Henderson, which is in a state of rapid dilapidation: and the shares of the said infants Tabitha O. Smith and Mary J. Smith, in which would be, if the said house and lot were divided, too trifling to be calculated upon in providing for their necessary maintenance.

And whereas, also it is represented to this General Assembly, that the said two last mentioned infants, Tabitha O. Smith and Mary J. Smith, are by devise entitled to two small negro children, who are now, and will be for several years, too young to be serviceable in their support and maintenance: For remedy whereof—

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That upon the petition of the said infants, Tabitha O. Smith and Mary J. Smith, by their guardian, and also upon the petition of the said Robert T. Smith, David H. Smith and Susan A. Smith, by their guardian, the circuit court of Henderson county shall, upon being satisfied that the sale of the property would benefit the infants, have power to order or decree the sale and conveyance of the interest and title of the said Tabitha O. Smith and Mary J. Smith, in or unto all the property mentioned in the preamble of this act; that is, the said tract of land containing five hundred and forty-three and three-fourth acres, the said tract of twenty acres, the said five negroes, Dick, Humphrey, Keziah, Aaron and George, the house and lot in the town of Henderson, and the two small negro children, named John and Mary. And the said circuit court of Henderson county shall have power to order or decree the sale and conveyance of the interest and title of the said infants, Robert T. Smith, David H. Smith and Susan A. Smith, in or unto the said tract of five hundred and forty-three and three-fourth acres of land, the said tract of twenty acres, and the said five negroes, Dick, Humphrey, Keziah, Aaron and George. That the said court shall have power to direct and require the

The circuit court of Henderson may decree a sale of certain lands and slaves.

1833. sales aforesaid, to be made upon such credits and in such manner as the said court shall deem best; and shall appoint some two suitable persons as commissioners for that purpose, who shall execute separate bonds, with such security as may be approved of by the court, one in the penalty of any sum not less than double the value of the portion of said property to which the said infants Tabitha O. Smith and Mary J. Smith may be entitled, and the other in the penalty of any sum not less than double the value of the portion of said property to which the said three infants, Robert T. Smith, David H. Smith and Susan A. Smith, may be entitled: and both of said bonds to be conditioned to abide by and perform the order and decree of the said court; and the said court shall direct the proceeds of said sales to be applied, used, and disposed of, by re-investment in other property, or otherwise, in such manner as may appear to said court most conducive to the present and ultimate interest of said infants; and the court shall have power to require of any person who may be authorised to receive for the infants, the proceeds of the sale which may be made of the estate of the infants, to execute bond with approved security, conditioned for a true and faithful application of any moneys received, and for a faithful performance of any order or decree which the court may at any time make in relation to the money received.

[Approved January 28, 1833.]

CHAP. 149.—AN ACT to incorporate the Louisville and Bonharbour Coal Company.

Corporation  
created.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Robert Triplett, Isaac Bell, John S. Sneed, Thomas Anderson, John D. Colmesnil, Coleman Duncan, Newton Loughery, C. M. Strader, Chapman Coleman, John P. Oldham, W. G. Bakewell, John Anderson, Albert T. Burnley and John Scott, and their associates, successors and assigns, shall be, and they are hereby created, a body politic and corporate, with perpetual succession, under the name and title of the Louisville and Bonharbour Coal Company, and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, and generally to do and perform all

And their powers.

1833.

acts and things that a corporation, for particular purposes, may rightfully do; and said corporation may have and use a common seal, and change, alter and renew the same at pleasure; also, may purchase, receive, hold and enjoy lands, rents, tenements, steam-boats and other water craft, goods, chattels and effects, to the amount and cost of two hundred thousand dollars, with liberty to increase the capital to five hundred thousand dollars, if the business of the corporation shall require, and the same to sell, convey or demise; also, may ordain and put in execution such by-laws, rules and regulations, for the good government of its officers and for the advancement of its interests, as shall be most expedient: *Provided*, They shall not be contrary to the constitution and laws of this state or of the United States.

Sec. 2. That the business of said corporation shall be the coal trade, from Bonharbour, in the county of Daviess, to the City of Louisville and elsewhere, and from such other coal mines as the corporation may acquire; and in addition to that business they may employ their steam-boats and other water craft in the manner most advantageous to the corporation.

Corporation to trade in coal.

Sec. 3. That said corporation may acquire, by agreement and contract with the owners and proprietors, the right of way, for the purpose of having roads from the coal mines to the Ohio river, and they may improve all such roads in such manner as may be most advantageous to said corporation: *Provided*, That when said corporation shall cease to use such roads, for the benefit of the company aforesaid, the right of way shall cease and determine, and return to the former proprietors of the land: *Provided*, it does not impair or violate any right of any corporation derived under a previous act of the General Assembly of the Commonwealth of Kentucky.

May obtain the right of way, have roads, &c.

Proviso.

Sec. 4. The fiscal and prudential concerns of said corporation shall be confided to a President and six Managers, and such other officers and agents as the business of the company shall require; and the shares in the capital stock of said company shall be one hundred dollars each, and shall be personal estate, and may be transferred as said corporation may prescribe. In all elections or questions for the decision of the stockholders, they shall be entitled to one vote for each share to the number of ten, and one vote for every ten shares thereafter. The persons named in this

President and managers to be elected.

1833.

Books of sub-  
scription to be  
opened.

act, or any four of them, may open books for the subscription of the stock, at such time and place as they may deem advisable: and whenever five hundred shares of the stock shall be taken, they shall advertise a meeting of the shareholders, and cause a President and six Managers to be elected, who shall hold their offices until the first Monday in the succeeding March, and until their successors shall be elected; the elections shall be annual, on the first Monday in March, and none but stockholders shall be eligible to the office of President or Manager; and the President and Managers shall make by-laws for the regulation of their elections, also may fill vacancies arising in their body between the annual elections.

Elections, when  
held.

Stock, how paid

Sec. 5. The persons named in the first section, or those of them who may act, shall, in the written agreement which the stockholders sign, set out the mode, manner and time, when the stock shall be paid for; they may agree on liquidated damages, not exceeding twenty per cent. on the stock, for a failure to pay any instalment.

President and  
managers to  
publish their  
accounts and  
make dividends

Sec. 6. The President and Managers shall annually publish (if required) a true and just statement of the accounts, property and business of the corporation; and they shall, from time to time, make such dividends of the profits as the condition of the company will justify without diminishing the capital.

May acquire  
ware-houses,  
&c.

Sec. 7. The President and Managers may acquire such warehouses and lands in the county of Jefferson and City of Louisville, and elsewhere, as may be convenient and proper for storing their coal, and the better enabling them to carry on their business.

[Approved January 28, 1833.]

CHAP. 150.—AN ACT for the relief of the heirs of Francis P. Hord, deceased.

Preamble.

Whereas, it appears to the present General Assembly, that Francis P. Hord, and John Fishback and his wife, Lucy N. Fishback, did, on the eighth day of January, one thousand eight hundred and twenty-seven, by letter of attorney, duly constitute and appoint William R. Griffith, of Daviess county, State of Kentucky, to settle, by compromise or otherwise, in any way he might think most conducive to their interest, all disputes which had arisen or might thereafter arise

1833.

as to all lands which had been willed to them by Jas. Hord, deceased, except the land in Jessamine county; also, to make sale of the whole or any part of their interest in said lands, and upon the receipt of the purchase money, to make conveyances to the purchasers; and to prosecute, in their names, any suit or suits for the recovery of any of said lands, and from time to time to take possession of the land, and lease or release the same, in any manner he might think proper; and to do other things, in said letter of attorney more particularly mentioned: And whereas, it also appears that said Griffith accepted the power, and in fact sold part of said land, and was proceeding to do whatever, by said letter of attorney, he was empowered to do, but has been prevented from doing so by the death of said Francis P. Hord, who departed this life intestate, leaving Nancy Hord, who has since intermarried with John Price, Archibald Hord, Lucy Hord, Mary Hord, Francis Hord and Elizabeth Hord, all of whom are infants, his only children and heirs at law: And whereas, the said John Price and Nancy, his wife, together with the other children of the said Francis P. Hord, by their guardian and mother, Mary Hord, have petitioned the Legislature to pass an enabling act, whereby they, though infants, by their mother, as their guardian, may be rendered competent to constitute and appoint the said Griffith their attorney in fact, in as full and ample a manner as if they were of full age: And whereas, it appears, from the situation and condition of such of the lands aforesaid as have not been sold, that it would advance the interest of said children to authorise the sale thereof, as contemplated by their father: Wherefore—

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the above named children, together with John Price, the husband of Nancy, be, and they are hereby, made able in law, by their power, signed by themselves and their guardian and mother, Mary Hord, to constitute and appoint the said William R. Griffith their lawful attorney in fact, for the purpose of doing whatever it would have been lawful for the said Griffith to have done under the letter of attorney which was given to him by their deceased father, provided their said father had not departed this life before the objects of the power were fully executed; and for the purpose of conveying any and all of the lands aforesaid which have been sold

Authorized to execute a power of attorney to sell lands, &c.

1833. by the said Griffith, and selling and conveying any that remains unsold, and for the purpose of doing every thing else that said Griffith was authorised by the letter of attorney executed by the said Francis P. Hord, deceased, to do, and in the same manner and to the same extent as if said infants were of full age; and the said power, when so made, to have the same force and effect as if the infants aforesaid had attained their full age, any law to the contrary notwithstanding: *Provided, however,* That before the said Griffith pays over the proceeds of the sale, to which the children may be entitled, their mother and guardian shall have executed bond, with approved security, in the Jessamine county court, in a penalty to be fixed by the court, conditioned faithfully to pay over and account to the infants aforesaid their respective shares.

[Approved January 28, 1833.]

CHAP. 151.—AN ACT providing for settling the accounts with the Keeper of the Penitentiary.

Preamble.

Whereas, Joel Scott, the present keeper of the Penitentiary, has signified to the present Legislature his desire to be discharged from his undertaking as keeper, and to withdraw from the management of that institution: And whereas, also, the Legislature deem it proper to allow the said keeper to withdraw, as soon as it can be done, consistently with the interest of the public: but believe nothing definitively ought to be done, whereby any change in the contract with said Scott is affected, until a settlement is made of his accounts: Wherefore—

Comm'rs appointed and their duty.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That John Glover, Benjamin R. Pollard and Thomas S. Page, be, and they are hereby, appointed commissioners, on the part of the state, who, or a majority of them, be authorised to examine, adjust and report to the next session of the Legislature a true and correct statement of the accounts of said Scott as keeper, in which report it shall be the duty of said commissioners, not only to take into consideration the several articles actually sold by said Scott, but also all articles which may be on hand, on the first day of January next, together with the materials then on hand, and whatever else may be necessary to exhibit a full and correct statement of the accounts.

[Approved January 28, 1833.]

CHAP. 152.—AN ACT to amend an act, entitled, "An act to incorporate the City of Lexington."

1833.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the collector of the City of Lexington to continue the collection of taxes and other city dues until his successor shall be appointed and qualified: and he must settle his accounts, from time to time, as the mayor and council shall require.

City collector to collect taxes, &c. till his successor be appointed.

Sec. 2. *Be it further enacted*, That in all cases where individuals residing in the city on the 10th of March shall, from any cause whatever, not be assessed, or where, being assessed, they shall not have paid their taxes according to law ten days previous to the annual election in January, so as to be included in the lists made out by the clerk, it shall nevertheless be lawful for them to vote upon having their names entered upon the collector's books, and obtaining his receipt for taxes chargeable to them: and said collector shall account for and pay such taxes as in cases of regular assessment.

Citizens not assessed may vote at city elections upon entering their names on the collector's books.

Sec. 3. *Be it further enacted*, That the mayor and council of the city of Lexington shall have power and authority to cause all stores in the city to be rated 1st, 2d, 3d and 4th rate, under the same regulations now provided in the charter.

Trustees may rate stores for taxation.

[Approved January 28, 1833.]

CHAP. 153.—AN ACT for the relief of William Cecil and Benedict Morehead.

Whereas, William Cecil, of the county of Pike, and Benedict Morehead, of the county of Lawrence, have each, together with their securities, become bound to the Commonwealth of Kentucky in the penalty of fifteen hundred dollars by recognizances, one of which, that of the former and his securities, was entered into in the circuit court of Pike, and the other, that of the latter and his securities, was entered into in the circuit court of Lawrence, and each was conditioned to keep the peace for fifteen years: And whereas, it has now been about two years since each of said recognizances were acknowledged, and it is thought reasonable to discharge them from further obligations under said recognizances: Wherefore—

Preamble.

1833.

Cecil & Morehead released from recognizances to keep the peace.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That nothing in either of said recognizances contained shall impose any obligation upon the said Cecil or Morehead to keep the peace, or be of good behaviour, from and after the passage of this act, and that no action or suit shall be maintained on either of said recognizances, for any act or acts thereafter done or committed by either of them.

[Approved January 28, 1833.]

CHAP. 154.—AN ACT to authorise the Clarke Circuit Court to decree the sale of two and one-half acres of land, devised to William S. Downy and others.

Whereas, Jaily Downy, deceased, late of the county of Clarke, devised by her last will and testament to William S. Downy, Mary Jane Downy and Martha Downy, children of Leroy C. Downy, two and one-half acres of ground in the Eastern vicinity of the town of Winchester: and said devisees being infants of tender years, and the land thus devised being unenclosed with a fence, and destitute of timber needful to enclose the same, in consequence of which it is rendered wholly unproductive: Wherefore—

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the said devisees, in the name of their guardian, to file their bill in the Clarke circuit court for the sale of said land; and if it shall appear to said court, upon mature consideration, that the interest of said devisees will be advanced by the sale thereof, then the court may decree that the guardian shall make sale of said land, upon such reasonable credit as the court may prescribe, and that the guardian take bond with good security for the payment of the purchase money, agreeably to the terms of the sale. And it shall be the duty of the guardian acting under such decree, from time to time, as the court by its order may require, to make a written report of his proceeding; and the court shall have power, at all times, to order and decree the proceeds of such sale to be disposed of, and appropriated in such manner as may appear most conducive to the interest of said devisees: *Provided,* Said guardian have due and reasonable notice before such order is made.

Sec. 2. *Be it further enacted,* That the guardian shall convey to the purchaser of said land, by deed of bar-



gain and sale, upon the payment of the purchase money, all the right, title and interest of said devisees, which deed shall be made in the name and on behalf of said devisees, and shall invest the purchaser with all the right and title, in law and equity, which said devisees have in said land, as fully and completely as if said devisees were of full age, and had executed said deed themselves with all legal formalities.

1833.

Sec. 3. *Be it further enacted*, That no order or decree for the sale of said land shall be made under this act, until the guardian shall have executed, and deposited in court with the clerk for safe keeping, a bond to said devisees, with good security, to be approved by the court, and in such penalty as the court shall direct, conditioned to discharge faithfully the duties imposed on him by this act, or by any order or decree of the court in pursuance thereof.

[Approved January 28, 1833.]

CHAP. 155.—AN ACT to enlarge and explain the powers of the Trustees of the Town of Frankfort.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the town of Frankfort shall have power, when a majority of persons owning lots in said town, which lie on any side of a square immediately adjoining a street which is now paved, or shall be hereafter paved, desire to have said street and the side-walks thereon, or either of them paved, to pave the same at the expense of the persons who own the adjoining lots, each person to be responsible for the expense of paving the side-walks and streets in front of their said property, extending one-third of the distance across said street.

Trustees may cause streets and side-walks to be paved.

Sec. 2. That after said trustees have proceeded to pave said side-walks and streets, or either of them, on the most moderate terms on which the same can be done, they shall give notice to the owner of any lot in front of which they have paved, or to his agent, or if neither owner nor agent can be found, then they shall advertise in some authorised newspaper for three weeks successively, the number of said lot, and the amount of expense incurred by paving in front thereof: ten days after notice so given, or ten days after the last insertion of the said advertisement, they shall have power to proceed, advertise and sell, in the same man-

If owners of lots do not pay for paving, their lots may be sold.

1833.

ner as the law now directs like property to be sold under execution, the whole or such part of said lot in front of which they have paved as may be necessary to defray the expenses of paving, publishing, &c. unless the amount shall be previously paid.

Time given to  
redeem lots sold

Sec. 3. That the owner of any lot sold by said trustees under the powers conferred by this act shall have two years to redeem the lot so sold, on paying to the purchaser the purchase money, with twelve and a half per centum thereon; but if the said lot shall not be thus redeemed within two years, then the title of the person, whose lot or any part thereof was sold as aforesaid, shall vest, as to the part sold, absolutely in the purchaser, and that the collector convey the same to the purchaser thereof.

May sell streets  
and alleys in  
certain cases.

Sec. 4. That in addition to the powers already vested in said trustees, they shall have power, with the consent in writing of the person or persons owning the ground on both sides of any street or alley, to sell and convey to the person or persons aforesaid, a full and complete title in fee simple to that part of said street or alley bounded by the ground owned as aforesaid: *Provided*, Said writing shall, on proof of two subscribing witnesses, or the acknowledgement of the party, be recorded in the proceedings of the said trustees.

When the collector  
is to settle

Sec. 5. It shall be the duty of the collector of town tax for said town of Frankfort, to settle and account for all taxes, fines and forfeitures, placed in his hands for collection, on or before the first day of December, annually, under such rules and regulations as said trustees may, from time to time, ordain and establish.

And whereas, it is represented to the General Assembly, that it would greatly promote the wishes and interest of the citizens of Frankfort to have the limits thereof extended so as to include the present wood-landing, thereby enabling the trustees to keep said landing and the road leading to it in good repair.

Trustees may  
extend the town  
limits.

Sec. 6. *Be it further enacted*, That the limits of the town of Frankfort be, and they are hereby, extended so as to include all that part of the river bank lying between Montgomery street and low water mark, commencing at the upper extremity of said town, and extending as far up the river as the junction of Broadway with Montgomery street.

[Approved January 28, 1833.]

CHAP. 156.—AN ACT for the benefit of the representatives of James Honaker, deceased.

1833.

Preamble.

Whereas, it is represented to the present General Assembly, that James Honaker, late of Pike county, died intestate, leaving Louisa Honaker, his widow, and several infant children; that said James was considerably in debt at his death, and left a small personal estate; that his said widow, Louisa, and a certain Thomas Owens, Jr. administered upon the personal estate of said James, and have fully administered the same, in the payment of debts, and there yet remains sundry debts to be paid, the payment of which, by subjecting the real estate descended to said infants, will, in the ordinary course of law, cause a great sacrifice of the lands: And whereas, the said personal representatives of said decedant have petitioned for the passage of a law authorising the sale of three tracts of lands lying adjoining each other, in the county aforesaid, on Sandy river, known by the name of the Hackworth farm, whereon Thomas Rainalds now lives, for the purpose of discharging the balance of the debts due from said estate: Wherefore—

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the said administrators of said James Honaker, deceased, to file their bill in the Pike circuit court, setting forth the necessity and propriety of selling said lands, for the purpose aforesaid, and making all the heirs of said decedent defendants thereto; and upon the answers of said heirs, by their guardian *ad litem*, to be appointed by the court, being filed, the said court, if in his opinion a sale of said land, or any part thereof, is necessary, and will redound to the interest of said infant children and the estate of the decedant, to order and decree a sale and conveyance thereof, in such portions and manner as the said court shall deem proper. And the said court shall, from time to time, have full power to direct and order the proceeds of the sale to be paid to said administratrix and administrator, as assets, by them to be administered; and the conveyance or conveyances to be made by virtue of the decree of said court shall pass and vest in the purchaser or purchasers all the right, title and interest of said heirs in and to the lands so sold: *Provided, however,* That before any decree shall be rendered for

Pike circuit court may decree a sale of land to pay debts.

1833. the sale of said lands, or any part thereof, the said administratrix and administrator shall execute and file in said court, bond with security, approved of by the court, in such penalty as the court shall direct, payable to the Commonwealth of Kentucky, and conditioned to well and truly administer and pay over, as assets, according to law, all such sums of money which they, or either of them, shall receive, as the proceeds of any land thereafter sold, by virtue of any order or decree of the court to be rendered in said cause.

[Approved January 28, 1833.]

CHAP. 157.—AN ACT to authorise the Bourbon county court to levy a tax on the lands of the county.

Preamble.

Whereas, it is represented to the present General Assembly, by the petition of the justices of the county court of Bourbon, or a majority of them, that said county court, for the use of said county, has subscribed one hundred shares in the stock of the Maysville, Washington, Paris and Lexington Turnpike Road Company: And whereas, said justices pray that a law may pass to authorise the court of said county to raise the amount of stock, subscribed as aforesaid, by a tax imposed on the lands in said county, upon the *ad valorem* principle, except the town of Paris: Therefore—

County court may tax land to pay turnpike stock.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Bourbon county court is authorised and permitted, in February, March or April, a majority of all the justices being present, to lay a tax on all the lands and real property, in said county of Bourbon, except on houses and lots in the town of Paris, to an amount in each year equal to the payment which said court is bound to make on its stock in said Turnpike Company in such year; and the sheriff of said county is hereby authorised and required to proceed to collect said tax in each year, under the same regulations and with the same power that he now has to collect the revenue tax of this Commonwealth, in said county; and shall account for and pay to said county court, or its order, the said amount of tax, whenever required by said court, after the first day of September in each year.

Sheriff's duty.

Sec. 2. *Be it further enacted*, That said county court in laying the tax aforesaid, shall lay it equally, according to the value of said land and real property; and in order to ascertain the value aforesaid, said court is permitted and required to use the commissioner's book which is used the preceding year, for the purpose of ascertaining the value of property on which the revenue of the state is paid, except the present year, in which it may use the commissioner's book of the year 1831.

1833.

Tax to be equal

Sec. 3. *Be it further enacted*, That if the sheriff of said county shall fail to pay the amount of said tax as aforesaid, when required by said county court, said county court shall have power, and is hereby permitted, to cause a summons to be issued by its clerk to said Sheriff, returnable to any term of the court, to shew cause why he did not pay said amount of tax, as required; which summons shall be executed on the sheriff by the coroner or any constable of the county, to whom directed; and upon the return of said summons, said court shall have power to cause a judgment to be entered on its records against said sheriff for said amount of tax, with ten per centum thereon, unless said sheriff shall satisfy said court, with reasons, for not paying said amount of tax; and execution shall issue for the amount of said judgment from the office of said court, directed to the coroner of said county, and shall be endorsed "no security to be taken," and the said coroner shall proceed to collect said execution, as directed in the case of other executions endorsed "no security to be taken," and pay the same over to said county court or its order.

If sheriff fail to pay over the tax how to proceed against him.

[Approved January 28, 1833.]

CHAP. 158.—AN ACT for the relief of the heirs of Anna Maria Walsh.

Whereas, it appears to the present General Assembly, that Samuel Fox and Maria Fox, his wife, William Lansdale and Elizabeth Lansdale, his wife, and Robert Walsh and Anna Maria Walsh, did duly constitute and appoint Robert Wickliffe, of the City of Lexington, their true and lawful attorney, to sell and dispose of all their claims to lands in the State of Kentucky, and in the States of Ohio and Indiana, and that said Wickliffe did accept of such power and was pro-

Preamble.

1833.

ceeding to execute it, but hath failed to do so owing to the death of Anna Maria Walsh, one of the parties to the power: And whereas, it further appeareth that the said Anna Maria Walsh died a *feme covert*, and left Robert M. Walsh, Isabella Walsh, J. Correa Walsh, Anna Maria Walsh, Elizabeth Brent Walsh, Mary Walsh, Theresa D. Walsh, Oliver Walsh, Fanny Walsh and Jasper Walsh, the whole of whom are infants, under the age of twenty-one, except Robert M. Walsh, but who, by their guardian of record and father, Robert Walsh, with the said Robert M. Walsh, have petitioned the Legislature to pass an enabling act whereby they, though infants, by their father, as their guardian, may be rendered competent to constitute and appoint the said Wickliffe their attorney in fact, in as full and ample a manner as if they were of full age: and whereas, it further appears that said minors all reside out of the state, and from the dispersed condition of their lands, and their bad quality and disputed condition, that it will tend greatly to the advantage of said infants to constitute an agent to sell and adjust their claims to land in this country, as contemplated by their mother in the power given by her and her husband: Therefore—

May execute a power of attorney to adjust and sell land claims.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the above named infants, to-wit: Isabella Walsh, J. Correa Walsh, Anna Maria Walsh, Elizabeth Brent Walsh, Mary Walsh, Theresa D. Walsh, Oliver Walsh, Fanny Walsh and Jasper Walsh, by their power, signed by themselves and their guardian of record and father, Robert Walsh, to constitute and appoint the said Robert Wickliffe their lawful attorney in fact for the purpose of selling or adjusting their claims to land in this state, and in the same manner and to as full extent as if the said infants were of full age; and the said power, when so made, to have the same force and effect as if the infants aforesaid had attained their full age, any law to the contrary notwithstanding: *Provided, however,* That the said R. Wickliffe shall not pay over to the said Robert Walsh, the guardian of the infants aforesaid, the proceeds of any lands or other thing, sold as the property of said infants, until the said guardian shall duly execute and file in the orphan's court of the City of Philadelphia, bond in a penalty, and with security, to be approved of by said court, to faithfully pay over and account

to the infants aforesaid their respective shares, and shall cause the same, or a copy thereof, to be recorded in the clerk's office of the Court of Appeals of this state. 1833.

[Approved January 28, 1833.]

CHAP. 159.—AN ACT to establish an Election Precinct in the County of Henry.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of Henry county lying and being in the following bounds: Beginning at a point on the Shelby line, at or near Pigeon fork of Little Kentucky; thence with said line to the Oldham and Henry county line; thence with said line to a point where said line crosses the Little Kentucky; thence up the said creek to the Pigeon fork of said creek; thence up the same to the beginning, shall be an election precinct: and the elections shall be held at the house of Amassa Thompson in the town of Herndonville, under the same rules and regulations that the elections are held in the other precincts in said county. Bounds of the precinct, and place of voting.

[Approved January 28, 1833.]

CHAP. 160.—AN ACT to change the places of voting in Everett's and Foreman's Bottom Precincts, in Lewis County.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the place of voting in the election [precinct] called Everett's, in Lewis county, be changed from the house of John D. Everett's to the town of Concord, and the same rules and regulations shall be observed in voting and comparing polls as now directed by law. Place of voting in Everett's precinct changed.

Sec. 2. *Be it further enacted*, That the place of voting in Foreman's bottom precinct, in Lewis county, be changed from the house formerly occupied by Green Smith, to the house now occupied by William Marshall, and the same rules and regulations shall be observed in voting and comparing polls as now directed by law governing elections in this commonwealth. Place of voting in Foreman's bottom precinct changed.

[Approved January 28, 1833.]

1833.

CHAP. 161.—AN ACT for the benefit of Fanny Richardson and her children.

The circuit court of Anderson authorized to decree the sale of certain real estate.

To require the execution of bonds with security.

Condition thereof.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the circuit court for the circuit of Anderson shall have power and authority to hear the petition of Samuel Arbuckle, John C. Richardson, and Fanny Richardson, his wife, together with John T. Daviess and Jordan H. Walker, for the sale of a certain real estate in and near Lawrenceburg, heretofore deeded by the said Arbuckle to the said Daviess and Walker, in trust for the benefit of Fanny Richardson and her children; and if said court shall be of opinion, from testimony oral or written, that a sale of said estate will be advantageous to the said Fanny Richardson and her children, it may decree a sale thereof for money, in the same manner as if the estate had been cast upon the said Fanny Richardson and her children by descent. But before the said sale shall be ordered by said court, the court shall require said Samuel Arbuckle and John C. Richardson to execute in said court bond, with approved security, in a penalty at least double that of the value of said estate, payable to the commonwealth of Kentucky, for the use of the purchaser and to every succeeding purchaser of said estate, conditioned to pay any such purchaser all damage that may at any time thereafter accrue, should the said Fanny Richardson and children, or either of them, at any time hereafter successfully assert any claim to the premises so to be sold; and conditioned further, that the proceeds of such sale shall be laid out and expended by said Arbuckle and Richardson, for the benefit of said Fanny Richardson and her children, in other lands, in trust for the like uses.

[Approved January 28, 1833.]

CHAP. 162.—AN ACT for the benefit of Flora N. C. Harding.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage contract heretofore existing between Flora N. C. Harding and Albert G. Harding be, and the same is hereby dissolved: and that she be, and is hereby, restored to all the rights of a single woman.

[Approved January 30, 1833.]



CHAP. 163.—AN ACT to appoint additional Justices of the Peace in certain Counties, and for other purposes.

1833.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That one additional justice of the peace and one constable be added to the county of Fleming; said constable to reside in the neighborhood of Burtis Ringo.

Additional justice and constable allowed to Fleming.

Sec. 2. *Be it further enacted*, That there shall be allowed one additional justice of the peace to the county of Caldwell, one justice of the peace to the county of Lawrence, and one justice of the peace to the county of Warren, and one additional constable to each of the counties of Simpson, Muhlenburg, and one to the county of Campbell, who shall reside in Newport, and one additional constable for the county of Henry, who shall reside at the passage of this act between Six Mile and Flat creeks.

One justice to Caldwell.

One to Lawrence.

One to Warren

One constable each to Simpson, Muhlenburg, Campbell and Henry.

Sec. 3. *Be it further enacted*, That the fifth constable's district in the county of Oldham be extended so far up the Ohio river as to include the residence of Merimon B. Curd within the said district.

Fifth constable's district in Oldham extended.

[Approved January 30, 1833.]

CHAP. 164.—AN ACT allowing an additional Justice of the Peace to the county of Bath, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county of Bath shall be entitled to an additional justice of the peace.

Additional justices allowed to Bath.

Sec. 3. *Be it further enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be allowed to the county of Rockcastle one additional justice of the peace, and one to the county of Whitley, to be commissioned in the form prescribed by the constitution.

To Rockcastle.

To Whitley.

Sec. 3. *Be it further enacted*, That there shall be an additional constable added to the county of Gallatin, to reside in the neighborhood of David Gibson.

Additional constable to Gallatin.

[Approved January 30, 1833.]

CHAP. 165.—AN ACT to authorise the County Court of Hardin County to appoint an Inspector for Westpoint and Elizabethtown in said county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the

Inspectors to be appointed at

1833.

West Point and  
Elizabethtown.

county court of Hardin county, a majority of all the justices therein concurring, at any time after the passage of this act, to appoint one inspector for the inspection warehouse at Westpoint in said county, and one for Elizabethtown, whose duties shall in all respects be discharged in the same manner and under the same penalties, as now required and fixed by the law regulating the duties of inspection.

[Approved January 30, 1833.]

CHAP. 166.—AN ACT to allow an additional Justice of the Peace and Constable to the County of Washington, and an additional Justice of the Peace for the County of Shelby.

An additional  
justice and con-  
stable allowed  
in Washington.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an additional justice of the peace and constable shall be allowed to the county of Washington, the constable to reside in the South East quarter of the county.

A justice to  
Shelby.

Sec. 2. *Be it further enacted*, That there shall be allowed to the county of Shelby an additional justice of the peace.

[Approved January 20, 1833.]

CHAP. 167.—AN ACT to provide for the improvement of the roads in certain counties.

Land warrants  
granted to Clay  
for improving  
certain roads  
therein.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Register of the Land Office be instructed to issue to Dillian Asher and David Walker, of Clay county, and John Howard, of Harlan county, two hundred dollars worth of land warrants, free of charge, for the improvement of the road from Clay court-house to Harlan court-house, by way of Dillian Asher's, the warrants to be appropriated upon any vacant land in Clay or Harlan counties; that part of the road lying within the bounds of Clay county to be superintended by the aforesaid Asher and Walker, and that part lying within the bounds of Harlan county to be superintended by John Howard; two-thirds of said warrants to be issued to the aforesaid Asher and Walker, and the other third to the aforesaid Howard, and they shall have the right to sell and transfer the same to any person they may be able to sell to, and the proceeds of the same to be

To be located  
in said counties.To whom to be  
issued and by  
whom expend-  
ed.

by themselves, or some one in their employ, laid out in the best practicable manner, in opening and improving the aforesaid road.

1833.

Sec. 2. *And be it further enacted*, That the aforesaid Asher, and Walker, and, Howard shall, before entering upon the duties of their office, enter into bond with security, in their respective county courts, truly and faithfully to discharge the duties enjoined on them by this act, and they shall, when required by said county, report as to the manner in which they may have appropriated the proceeds of said warrants; and the courts may allow them each seventy-five cents per day, for each day they may necessarily be employed in superintending the opening and improving the aforesaid roads, out of the proceeds of said warrants.

Comm'r to give bond and security.

Their compensation.

Sec. 3. *Be it further enacted*, That the Register of the Land Office is hereby directed to issue a land warrant, in the name of the county court of Casey, for six thousand acres, which may be located on any vacant lands in said county.

Land warrants granted to Casey.

Sec. 4. *Be it further enacted*, That it shall be lawful for said county court of Casey to appoint one or more commissioners to superintend the location of said lands, and transfer any part or all of said warrant, or any part of survey made by virtue of said warrant; and the Register of the Land Office shall receive, register and issue patents on the same, without fee; and the proceeds or money arising from the sale of said lands shall be appropriated to the improvement of the road from the Lincoln county line, near Mateson Jones', to the Adair line, by way of Liberty, or any road in Casey county which the court may deem of the most public utility; and said commissioner or commissioners shall enter into bond with good security, approved of by said court, for the faithful performance of their duty.

County court to appoint a comm'r to locate and sell the lands.

And appropriate the proceeds

Sec. 5. *Be it further enacted*, That the Register of the Land Office be, and he is hereby, required to issue a land warrant, in the name of the county court of Pulaski, without the state price being paid therefor, for six thousand acres of land, to be located on any vacant and unappropriated land lying within the counties of Whitley or Pulaski, for the purpose of improving the road leading from Williamsburg to Somerset; and the proceeds of said warrant shall be laid out on that portion of said road lying between the mouth of Laurel river and Buck creek.

Land warrants granted to Pulaski.

Where located and how to be appropriated.

1833.

Patents to issue  
on the surveys  
made under  
said warrants.

**Sec. 6.** *Be it further enacted,* That upon the assignment of any platt and certificate of survey, made by virtue of any of said warrant, the Register of the Land Office shall issue a patent or patents, without fee, in favor of the assignee, for the land embraced in said survey.

Comm'rs ap-  
pointed to sell  
the warrants,  
&c.

**Sec. 7.** *Be it further enacted,* That William Sears, of Pulaski county, and Demsey White, of Whitley county, be, and they are hereby, appointed commissioners to sell the warrants and appropriate the proceeds thereof to the improving said road; and before they enter on the discharge of their duties as commissioners, they shall enter into bond, with approved security, in the penal sum of three hundred dollars each, in the Pulaski county court, which bond may be put in suit for every breach of its conditions.

To give bond  
and security.

Allowance to  
comm'rs.

**Sec. 8.** *Be it further enacted,* That the commissioners aforesaid shall be entitled to seventy-five cents per day for the time they may be necessarily engaged in the duties required by the county court aforesaid, and their services shall be compensated out of the proceeds of the aforesaid land warrant: *Provided, however,* That the said commissioners shall not sell the aforesaid land warrant or warrants for a less sum than five dollars per hundred acres, and that no survey shall be for a less quantity than fifty acres.

Not to sell the  
warrants for  
less than \$5  
per 100 acres.

Land warrants  
to Muhlenburg.

**Sec. 9.** *And be it further enacted,* That the Register of the Land Office be, and he is hereby, required to issue a warrant for five thousand acres of land, in the name of the county court of Muhlenburg county, free of charge, upon their order, which said land shall, when located, be vested in said county court, and the proceeds thereof shall be by them applied to the improvement of the roads in said county: *Provided, nevertheless,* That said warrant shall not be located on any lands except such vacant and unappropriated lands as may be found in the county aforesaid; and the said county court are hereby authorised to appoint an agent or agents to superintend the location of the said warrant, or may dispose thereof in such manner as they may think most advantageous for the improvement of the roads therein.

To be located  
in said county.

Proceeds, how  
to be applied.

Proviso.

County court  
may appoint an  
agent.

Land warrants  
granted to Un-  
ion.

**Sec. 10.** *Be it further enacted,* That the sum of five hundred dollars, in land warrants, free of charge, be, and the same is hereby, appropriated to the county court of Union county, to be by said court, a majority of its members present, appropriated to building

of bridges across the Caney and Crab Orchard Forks of Tradewater, at or near the crossing of the road leading from Morganfield to Bellville, and for other purposes of internal improvements; and that the Register of the Land Office be, and he is hereby, authorised and required to issue land warrants, of one hundred acres each, to the amount of said sum, to said court, to be located on any unappropriated land in said county; and that the said court shall have full power to transfer said warrants, or any part thereof, to any person or persons whatsoever for the said purposes.

1833.

How to be appropriated.

To be located in said county, &c.

[Approved January 30, 1833.]

CHAP. 168.—AN ACT to amend an act, entitled, an act for the benefit of Revolutionary Soldiers.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, the several clerks of this Commonwealth shall not be permitted to charge or receive any tax or fee for fixing the seal of office, which may be necessary to perfect the testimonials of any revolutionary soldier, for services performed by him during the revolutionary war; nor shall said clerks be entitled to any fee for fixing the seal of office to any instrument of writing which may be necessary in drawing the pension which may be allowed such revolutionary soldier; nor for any certificate or attestation to any such instruments; nor for any duties which they may be required to perform for such soldier in procuring his pension, or the receipts of the same after it may have been allowed.

Clerks of courts not permitted to charge any fee or tax on seal of office requisite to perfect the testimonials of revolutionary soldiers for their services or to procure their pensions.

Sec. 2. *Be it further enacted*, That the provisions of this act shall apply to the officers and soldiers of the late war, in the same manner that they apply to the revolutionary soldiers.

The above provisions extended to soldiers of the late war.

[Approved January 30, 1833.]

CHAP. 169.—AN ACT to amend the act, entitled, An act to improve the navigation of Salt River, approved the 22d day of December, 1831.

Whereas, Thomas Goodwin, of the county of Spencer, by the authority of the Spencer county court,

Recital.

N \*

1833.

erected a dam across Salt river, about four miles below the mouth of Crooked creek, and built a grist and saw-mill; yet some doubts are entertained, whether the county court had lawful power and authority to permit said dam to be erected; the said Goodwin is desirous to get his said dam and mill lawfully established, and to obtain that, is willing to submit to reasonable conditions: For remedy whereof—

Goodwin's mill  
dam on salt  
river legalized  
upon certain  
conditions.

Height of the  
dam.

Slopes to be  
built thereto.

The dam may  
be created if the  
dam and slopes  
are not kept in  
order.

Proviso.

Repealing  
clause.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said Goodwin, his heirs and representatives, are hereby authorised to erect and keep up a dam at the place condemned by the jury and county court of Spencer, not exceeding three feet above low water mark, upon a compliance with the following conditions: In that part of the river where the current is, the dam is to be three feet above low water mark, for the distance and width of forty-five feet, and all the rest and residue of the dam is to be four feet above low water mark; to the whole width of the low part of the dam a slope is to be connected, of the following description: Ten feet of slope for each foot of elevation of the dam; the slope to be made of timbers, filled in with stone, and planked smoothly over; and the dam and slope shall be thus made and kept up in good order, and so long as the conditions are complied with, the dam may be continued. But upon a failure on the part of said Goodwin, his heirs or representatives, the dam shall be deemed a nuisance, subject to be abated by the verdict of a petit jury, upon an indictment found by the grand jury having jurisdiction thereof: *Provided, nevertheless*, When by accident of casualty, the dam or slope may get out of order, the said Goodwin, his heirs or representatives, shall have a reasonable time and a suitable stage of water to repair the same.

Sec. 2. *Be it further enacted*, That all acts, or parts of acts, coming within the purview of this act, shall be, and the same is hereby repealed.

[Approved January 30, 1833.]

CHAP. 170.—AN ACT to amend the law giving compensation to Witnesses, and to increase their mileage.

Daily allow-  
ance and mile-  
age to witnesses

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That in all cases in which witnesses may hereafter be summoned to give evidence

out of the county of their residence, that instead of the mileage compensation now allowed them by law, each of them shall be entitled to four cents per mile, going to and returning from the place of giving evidence: and so much of all laws as come within the purview of this act are hereby repealed.

[Approved January 30, 1833.]

CHAP. 171.—AN ACT for the benefit of Stephen Langford.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Stephen Langford, of Pulaski county, be allowed two years from the passage of this act to survey, in one or more surveys, and carry into grant, one thousand acres of any of the vacant lands in the counties of Pulaski or Laurel, within five miles of the salt-well he is now boring, at the price of five dollars per hundred acres, under an act called the Salt-water Law.

[Approved January 30, 1833.]

CHAP. 172.—AN ACT for the benefit of the infant heirs of Thomas Frazer, deceased.

Whereas, it is represented that it will redound to the interest of Lauren and Helen Frazer, infant heirs of Thomas Frazer, deceased, to make sale of a negro woman now advanced in years by the name of Sabre, left to them by the will of Elizabeth Prince, deceased, and apply the proceeds of the sale in the purchase of two young negroes, one for each of said heirs, as a means of dividing said slaves. Recital.

*Be it enacted therefore by the General Assembly of the Commonwealth of Kentucky,* That the circuit court of Caldwell county may, upon the petition of the guardian of said legatees and the answer of said infants, enquire into the propriety of said sale, and whether it will redound to the interest of said legatees to make the same, and lay out the proceeds in the purchase of two young negroes, in their name and for their benefit, or otherwise; and if said court, upon such enquiry, shall be satisfied of the propriety of said sale, and no objection shall be made to the same by said legatees, or either of them, said court may order and decree said sale, publicly or privately, and direct the appli- The circuit court of Caldwell authorized to decree the sale of a slave upon certain conditions.

1833.

cation of the proceeds thereof in such manner as, in its judgment, may redound most to the interest of said legatees, taking bond and good security from the guardian or commissioner appointed to make said sale, for the faithful execution of said trust and application of the proceeds of said sale: and the bill of sale, made by said guardian or commissioner, shall vest in the purchaser a good and valid title to said slave.

[Approved January 30, 1833.]

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CHAP. 173.—AN ACT for the benefit of Stephen Marcum.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the marriage contract heretofore existing between Stephen Marcum and his wife, Elizabeth Marcum, be, and the same is hereby dissolved, so far as relates to the said Stephen Marcum: and he is hereby restored to all the rights and privileges of an unmarried man.

[Approved January 30, 1833.]

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CHAP. 174.—AN ACT for the benefit of the infant heirs of Caspar Hinton.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the infant heirs of Caspar Hinton, by their mother Hannah Hinton, to petition the Woodford circuit court, setting forth the facts which make it necessary and proper, that a tract of land devised to them by their grandfather, containing thirty acres, and lying in Woodford county, should be sold: and the court shall thereupon investigate the matter, and if it shall appear, to the satisfaction of the court, that it would be to the interest of the said heirs, the court may direct a sale of said land, and appoint a commissioner to carry the decree rendered into effect, requiring bond and security from the commissioners for the faithful application of the money arising from the sale: and the court may further direct such appropriation of said money as may seem most beneficial to said heirs.

[Approved January 30, 1833.]



CHAP. 175.—AN ACT further to enlarge the powers of the Trustees of the town of Harrodsburg.

1833.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the first section of "An act authorising the trustees of the town of Harrodsburg to make sale of, or exchange, a part of the streets in the West end of said town," approved February 7, 1820, as directs and requires the sale or exchange of the streets therein referred to and described, to be made at public auction, upon previous advertisement at the court-house door for four weeks successively, shall be, and the same is hereby repealed: And that it may and shall be lawful for the said trustees, or a majority of them, and their successors in office, and they are hereby authorised and empowered to sell or exchange the streets, or any of them, referred to and embraced by said act, at public or private sale, to whomsoever and upon whatsoever terms they may deem most conducive to the interest of said town; and that, in addition to the streets so authorised to be sold or exchanged by the above recited act, it shall and may be lawful for the said trustees, or their successors in office, to sell or exchange in the same manner, and upon the same terms, the North end of Greenville street in said town, running parallel to Main street on the West side of the court-house square, so far as the same is now enclosed, and the South end of East street in said town, so far as the same is now enclosed, being the first street running North and South on the East side of said town.

Trustees may sell or exchange certain streets.

Sec. 2. *Be it further enacted,* That in lieu of the annual sum now allowed by law to be raised by taxation for the uses and purposes of said town, it shall and may be lawful for the said trustees, and their successors in office, and they are hereby authorised and empowered, to raise any sum not exceeding five hundred dollars in each and every year, to be levied, collected and applied, in the same manner, and to the same uses and purposes with that declared and provided for by the existing law.

Amount of town tax that may be collected.

[Approved January 30, 1833.]

CHAP. 176.—AN ACT to repeal, in part, and amend the act incorporating the Lexington, Chilesburg and Winchester Road Company.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of said act,

Width of road reduced.

1833.

or any other, of the General Assembly as establishes the width of said road, shall be, and the same is hereby, repealed, as to said road. In lieu of the width provided for in said bill, the said road shall be opened and graded at least twenty-four feet and well McAdamized, agreeably to the above recited act, at least eight feet wide in the centre; and upon completing said road, agreeably to the provisions of this act, the said recited company shall have all the rights and privileges of the above recited act, except that said company shall only charge tolls, at their toll-gates, in proportion to the tolls allowed in the Maysville and Lexington Turnpike Company, that the width of the road bears to the Lexington and Maysville turnpike road.

Time of commencement and completion extended.

Sec. 2. *Be it further enacted*, That the construction of said road shall be commenced, under this charter, in two years and completed in ten years from the passage of this act, and a failure as to the commencement of the construction or completion of said road, as specified in this act, shall be a forfeiture of the charter.

[Approved January 30, 1833.]

CHAP. 177.—AN ACT concerning county levies in certain counties.

County courts that failed to lay their levies may lay them in May or June.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for any county court which may have failed to lay their county levy, as provided for by law, at their September, October or November terms last past, to lay their levy, which is collectable in the present year, at the next May or June term of their several courts respectively.

Union county court may amend their levy.

Sec. 2. That the county court of Union shall be, and are hereby, authorised to amend their county levy at their next May term.

Preceding in laying levies legalized.

Sec. 3. That where any of the county courts of this Commonwealth have laid their county levies in the year 1832, without a majority being present, the same is hereby legalized and made valid in law, as much so as if a majority had been present.

[Approved January 30, 1833.]

CHAP. 178.—AN ACT for the benefit of the widow and heir of Walker Thornton, deceased.

1833.

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky, that Walker Thornton died possessed of a joint interest in a small tract of land, in Clarke county, supposed to be twenty-five acres, and held by bond; and that he has left a widow, and one child under the age of twenty-one years: And whereas, it is further represented, that said land is entirely unproductive and sinking in value, and cannot be used to any advantage for the said widow and child: Therefore—

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That John R. Thornton is hereby permitted, and together with Sarah Thornton, the widow, and Mary R. Thornton, the child of said Walker Thornton, to file a petition in the Clarke circuit court, setting forth the circumstances of the case, and praying a sale of said interest in said land; and upon such petition being filed, said court is authorised to decree a sale of the interest of said widow and child of said Walker Thornton, deceased, in said land; and to appoint said John R. Thornton to make such sale privately, or publicly, for cash or on a credit, as he may deem best, and to pay one third of the proceeds of said land to the widow, and two thirds thereof to the child of said Walker Thornton: *Provided, however,* That at or before the time of entering said decree, the said John R. Thornton shall execute bond with security, to be approved by said court, and filed in the clerk's office of said court, to pay over the proceeds of the sale of said land as directed by this act.

Clarke circuit court may decree a sale of land.

Sec. 2. *Be it further enacted,* That the petitioners may file the bond which said Walker Thornton held for said land with their petition; and the said John R. Thornton, when he has made sale of said land, is authorised to assign said bond on the back thereof, or by a separate writing, to the purchaser, who shall be thereby vested with all the interest of the widow and child of said Walker Thornton. but without any recourse on said widow and child or on said John R. Thornton.

Title to the made.

[Approved January 30, 1833.]

1833.

CHAP. 179.—AN ACT for the benefit of the devisees of John Branigan.

Oldham circuit  
court to decree  
a sale of slaves,  
&c.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for Lucy Branigan to file her bill in chancery, in the Oldham circuit court, against the children of John Branigan, and any person or persons claiming under said children, and allege that Nicholas Branigan made and published his last will and testament, by which he devised a negro woman named Celia and her issue to her and the children of John Branigan for ever, and pray the court to decide what estate she took in said slave and her issue, and what estate, if any, the children of John Branigan took under said will, in said slave; and if the court shall be of opinion that the said Lucy and the children of John Branigan took a joint estate, or that the said Lucy took a life estate and the said children the remainder, then the court shall have power and jurisdiction to decree a sale of said slave and her issue, and a division of the proceeds of the sale on equitable principles, in the same manner courts of chancery may decree the sale of slaves descended, to effect a division; but if the court should be of opinion that the said Lucy took the entire estate, then to make a decree quieting her title.

[Approved January 30, 1833.]

CHAP. 180.—AN ACT concerning Mount Carmel, in Fleming County.

Preamble.

Whereas, it is represented to the present General Assembly, that a law passed the General Assembly and approved the twenty-first of December, one thousand eight hundred and twenty-five, entitled, an act to establish the town of Mount Carmel, in Fleming county, and for other purposes; and doubts are entertained whether said law is now in force: For remedy whereof—

Trustees to be  
elected.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That said act shall be revived and continue in full force: and that the free white male inhabitants of said town above the age of twenty-one years may, on the first Monday in August next, elect five trustees of said town: and on the same day in each succeeding year thereafter.

Sec. 2. *Be it further enacted,* That the first election shall be conducted by a justice of the peace for said

county: whose duty it shall be, to make a due return of said election to the clerk of the county court of Fleming, who shall record the same.

1833.

Sec. 3. *Be it further enacted*, That said trustees, when elected, shall continue in office until their successors shall be elected: and they shall have full power and authority to appoint a president, clerk, cashier and collector: and they shall have full power and authority to pass any by-laws compelling the lotholders in said town to pave the sideways in the streets of said town, and to pass all by-laws, rules and regulations, for the good government of said town, as they may think proper, not inconsistent with the laws of this commonwealth.

Trustees to continue in office till others be elected.

To appoint officers, make by-laws, &c.

Sec. 4. *Be it further enacted*, That the clerk of the board of trustees shall preside at all future elections for trustees of said town, who shall make the like return to the clerk of the county court of Fleming.

Clerk of trustees to conduct elections.

[Approved January 30, 1833.]

CHAP. 181.—AN ACT to amend the "Act providing for opening and keeping in repair the highways in the County of Fayette."

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That instead of the salary allowed to the commissioners of the highways in said county by said act, the sum of one hundred and fifty dollars per annum shall be allowed to each commissioner, subject to the provisions and limitations of said act.

Allowance to the comm'rs.

Sec. 2. *Be it further enacted*, That the before recited act shall be suspended in its operation until the first day of March, eighteen hundred and thirty-four; and from and after said day it shall be the duty of the sheriff, or collectors of the revenue and county levy in said county, to proceed and collect the additional levy and tax prescribed in said act, except so far as the said act hath been repealed or modified by the charter of the city of Lexington.

Act suspended until 1834.

Sec. 6. *Be it further enacted*, That it shall be the duty of the sheriff of Fayette county to advertise, in the same manner that he is directed to advertise elections in said county for representatives to the Legislature, that an election will, at the same time and places that representatives are elected, in the month of August, eighteen hundred and thirty-four, and every year thereafter.

Road comm'rs to be elected in 1834.

1833.

Powers of the  
county court  
over the roads  
then to cease.

Comm'rs to  
proceed on their  
duties.

On failure the  
the county court  
to appoint oth-  
ers.

Proviso.

Sheriff to give  
certificates of  
their election.

Their duty.

Court to keep  
up a board.

Polls to be  
opened for their  
election in 1834

ter, be held for road commissioners for said county; and the powers of the county court, after such election, shall cease over the public roads in said county; and it shall be the duty of the commissioners, or a majority of them, immediately, or as soon thereafter as they conveniently can, to proceed according to said act, to take upon themselves the duties prescribed to commissioners under said act: and on failure of the commissioners, or a majority of them, to take upon themselves to execute the duties of their office, it shall be the duty of the county court of Fayette to appoint commissioners to fill the vacancy or vacancies which shall happen by such refusal on the part of the commissioners elected, to take upon themselves to act according to the provisions of said act: *Provided, however,* If a majority elected shall qualify themselves to act, such majority may, from time to time, proceed to fill all vacancies without the intervention of the county court.

Sec. 4. *Be it further enacted,* That it shall be the duty of the sheriff of Fayette county, to give to the three persons having the highest number of votes at all elections for said commissioners, certificates that they are severally duly elected commissioners, and as such empowered to act as commissioners over the roads and highways of the county of Fayette for the term of twelve months from the time of the election, and until their successors shall be duly elected and qualified, which certificate shall be immediately delivered to the commissioners elected; and if the commissioners receive the same, it shall be their duty to proceed and qualify; and if any two, or all, of said commissioners shall fail or refuse to act, it shall be the duty of the sheriff to notify the county court at the next county court of such failure or refusal of the commissioners to act; and it shall be the duty of said court, from time to time, to appoint a sufficient number, to keep in existence a board of commissioners, who, when so appointed and qualified, shall have all the powers of commissioners duly elected by the people; and if the court shall neglect or fail to appoint at the first court, or the sheriff shall fail to give notice, it shall be no objection to the county court at any future court making appointments of such commissioners.

Sec. 5. *Be it further enacted,* That it shall be the duty of the sheriff of Fayette, at the August election which shall be held in the year eighteen hundred and

thirty-four, to open a poll for road commissioners agreeably to the provisions of said act.

1833.

[Approved January 30, 1833.]

CHAP. 182.—AN ACT to authorise the Clerks of the County Courts of Hopkins, Hancock and Union, and the Circuit Court of Harrison, to transcribe certain records in their respective offices.

Sec. 1. *Be it enacted by the General Assembly of the* Hopkins.  
*Commonwealth of Kentucky,* That it shall be lawful for the clerk of the county court of Hopkins county to transcribe the record of said court, that is, its minutes and proceedings, from the May term of said court in eighteen hundred and seven until the July term eighteen hundred and ten, inclusive, in a well bound book to be procured at the expense of the county.

Sec. 2. *Be it further enacted,* That the clerk of the Hancock.  
Hancock county court be, and he is hereby, authorised to transcribe the minutes and orders of said court made on unbound sheets of paper, from the establishment of said county up to the time that Samuel C. Jennings was appointed clerk of said court; that the said orders and minutes be transcribed into the present order book of said county court.

Sec. 3. *Be it further enacted,* That it shall and may Union.  
be lawful for the clerk of the Union county court to transcribe, in a well bound book, the wills, inventories, appraisements and settlements of estates of persons, which have been recorded in said county from the year eighteen hundred and eleven to the year eighteen hundred and twenty-two, inclusive, and also the orders and proceedings of said court from the year eighteen hundred and eleven until the December term eighteen hundred and twenty, inclusive.

Sec. 4. *Be it further enacted,* That when said records shall have been thus transcribed, it shall be the duty of said courts to appoint two fit persons to examine and compare said transcript with the originals: and should said records be found truly transcribed, they shall report the same to said court: and the said transcript shall have the same force and validity of the original records, and all copies taken therefrom shall be considered as valid and legal to all intents and purposes. Transcripts to be compared.

Sec. 5. *Be it further enacted,* That it shall be the Comm'rs pay.  
duty of said courts to allow the commissioners one

1833.

Clerk's pay.

dollar per day each, for the time they may necessarily be engaged in the duty hereby assigned them, and also a reasonable compensation to their clerks for transcribing said records: *Provided*, Said allowance shall not exceed one and a half cents for every twenty words, to be paid out of the county levy of said counties.

Harrison.

Sec. 6. *Be it further enacted*, That the county court of Harrison county is authorised to inspect the records of the circuit court, and to direct the circuit court clerk to transcribe in a well bound book such of the records as are becoming much worn, and the books so broken to pieces as to endanger said records.

Transcript to be examined.

Sec. 7. *Be it further enacted*, That the records so transcribed shall be examined by said clerk and a commissioner to be appointed by the county court, who shall report to the circuit court that said records have been truly transcribed; and the said transcripts shall then have the same force and validity of the original, and all copies taken therefrom shall be considered as valid and legal to all intents and purposes.

Comm'rs pay.

Clerk's pay.

Sec. 8. *Be it further enacted*, That the commissioner and clerk be allowed one dollar per day each, for the time they have been necessarily engaged in the duty assigned them in the examination of said transcript; and the said clerk shall moreover have a reasonable compensation for transcribing said records, not to exceed one and a half cents for every twenty words, to be paid out of the county levy of said county.

[Approved January 30, 1833.]

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CHAP. 183.—AN ACT to authorise the Secretary of State to distribute certain military books.

What books to be distributed.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the copies of the abstract of Infantry tactics, including exercises and manœuvres of Light Infantry and Riflemen, for the use of the militia of the United States, which have been procured by authority of the Congress of the United States, and transmitted to the Chief Magistrate of this state, to be distributed among the officers of the militia of this state; shall be distributed at the same time and by the same persons who may be employed by the Secretary to carry and distribute the acts and journals of the present session of the Legislature.



Sec. 2. *Be it further enacted*, That the Secretary shall apportion said copies among the officers of the militia, and shall pack up and contract for the carrying and delivering the same to the several clerks of this state, at the same time and in the same manner, and subject to the same rules and regulations, applicable to the acts and journals of the Legislature.

1833.

To be apportioned and sent out with the acts.

Sec. 3. *Be it further enacted*, That when the copies shall have been received by the clerk of any county, it shall be his duty to deliver them to the officers respectively, who may be entitled to receive them.

Clerks to deliver them out.

[Approved January 30, 1833.]

CHAP. 184.—AN ACT to authorise the Trustees of Cynthiana to close an alley in said town.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the town of Cynthiana may, at their discretion, permit the alley, in said town, extending from Back street to Main street, between the lots one hundred and nine and one hundred and ten, on one side, and one hundred and twenty-three and one hundred and twenty-four, on the other side, to be discontinued or closed at such parts as they may deem proper.

[Approved January 30, 1833.]

CHAP. 185.—AN ACT for the benefit of Spencer Curd's representatives.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the Logan county court, at the next March or April terms, to examine and make out an account or list of all revenue tax, due from Spencer Curd, deceased, late clerk of said court, to the Commonwealth, as tax on deeds and seals, as well as other revenue tax, by said Curd received; and to examine and certify the same to the Auditor of Public Accounts, by the presiding justice and attorney of the court, as now required by law, in relation to clerks' accounts.

County court of Logan to ascertain the amount of taxes due from said Curd.

Sec. 2. *Be it further enacted*, That it shall be lawful for the Logan circuit court, at the next term, to cause the accounts of said Spencer Curd, deceased, late clerk of said court, for revenue tax, by him re-

Circuit court also.

1833.

Auditor to settle with the representatives and no damages to be exacted.

ceived, or receivable by him, to be made out and certified by the Auditor of Public Accounts, and also to make out and certify said clerk's claim for *ex officio* services, and whatever other lawful claims or credits the said Curd may have been entitled to.

Sec. 3. *Be it further enacted*, That upon the securities of the said Curd, as clerk of said courts, respectively, or his executor, producing the accounts herein authorised to be made out, to the Auditor, and paying the sum due from said Curd to the Commonwealth, there shall be no penalty or damages collected on account of said lists or accounts having not been before returned to the Auditor, or the money due upon said accounts having not been paid: *Provided*, said settlements are made and the balance due paid on or before the first day of May next.

[Approved January 31, 1833.]

CHAP. 186.—AN ACT to authorise the Trustees of the town of Richmond to levy a tax to McAdamize the streets.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the town of Richmond are hereby empowered to levy a tax to compel the owners of real estate, holding the said real estate upon any street of said town, to pay their just proportion of the expense of McAdamizing said street, whenever a majority of the owners of real estate upon said street shall voluntarily agree to pay their proportion of said expense in front of their property.

[Approved January 31, 1833.]

CHAP. 187.—AN ACT limiting the time for which persons may be held to bail for their good behaviour.

Time for which a person may be bound. Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter it shall not be lawful for the judge of any court in this Commonwealth to require any person or persons to enter into a recognizance, or to give surety to keep the peace or to be of good behaviour, for a longer period than one year, at any one time.

Def't may adduce testimony. Sec. 2. *Be it further enacted*, That in all applications to bind over to keep the peace or to be of good

behaviour, it shall be the duty of the court or justice of the peace, before whom such application shall be pending, to hear testimony on the part of the defendant or defendants, if offered, proving or conducing to prove, that the application is vexatious or malicious, or for other cause ought not to be sustained, and the applicant may offer countervailing testimony; and said court or justice shall thereupon decide, from all the evidence adduced, whether the defendant or defendants shall be so bound.

1833.

Discretion given to judge or justice.

Sec. 3. *Be it further enacted*, That any person who may now stand bound under a recognizance to keep the peace or be of good behaviour, whenever he shall have continued so bound for the time of one year, shall be, and is hereby, together with his securities, released and discharged from all liability upon said recognizance.

The recognizances, &c., to be void after one year.

[Approved January 30, 1833.]

CHAP. 188.—AN ACT for the benefit of the Cumberland Hospital.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sum of fifteen hundred dollars, Commonwealth's money, be, and the same is hereby, appropriated for the benefit of the Cumberland Hospital, to be paid by the Treasurer to the trustees of said hospital, out of any money in the treasury not otherwise appropriated, as the means of supporting said institution and paying the debts of the same.

An appropriation of money.

[Approved January 31, 1833.]

CHAP. 189.—AN ACT to amend an act, entitled, "an act for the benefit of the heirs of Samuel Shannon, deceased.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William G. Boyd and Alexander Reid, the survivors of the persons named in the first section of the act to which this is an amendment, shall have all the power and authority vested by said act in the persons named in the first section thereof; and all the acts of the survivor or survivors shall be as valid and effectual in law, as if the whole of said persons had united therein, any thing in said act to the contrary notwithstanding.

Surviving commoners empowered to act.

[Approved January 31, 1833.]

1833.

CHAP. 190.—AN ACT to incorporate the Greenwich Academy.

Recital.

Whereas, it is represented that Robert Wickliffe is willing and desirous to donate, for the use of a school, in the county of Bourbon, a piece of land adjoining to some lands contracted for by the citizens of its neighborhood, on which a private school hath been erected, and the persons concerned are desirous that the Legislature shall grant an act of incorporation, so that the property acquired may be applied to the purposes intended by the donors: Therefore—

Trustees appointed.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John Pryor, Robert Wilmot, Ezekiel Thurston, John Ardry, Joseph Hushman, Daniel McIntire, William Scott, John R. Thornton and Robert Wickliffe, and their successors in office, shall be, and are hereby, constituted a body of trustees for said academy, with full power and authority to have, receive, take and enjoy property, real and personal, not exceeding, at any one time, in value fifty thousand dollars, to be forever by them used for the purposes of education and pious uses only, with full power to erect suitable buildings, and to purchase books and other necessary articles to promote the interests of said academy; to employ teachers and all necessary servants and agents, and the same to remove or dismiss at pleasure; and to receive and take, by deeds or otherwise, all such lands or other estate as they may purchase, or which shall be donated to them; and to do and perform all such necessary and needful act or acts as the interest of the academy may require; and by the name and style of the Greenwich Academy may sue and be sued, defend and be defended, in all courts, and transact all their business, either using a common seal or the individual seals of the trustees; and for the purpose of affording uninterrupted access to the school lands at all times, it shall and may be lawful for the trustees of said academy to open a way from the road leading from R. Wickliffe's farm to the Limestone road, near Ardry's, to the Maysville and Lexington turnpike road, any width not exceeding thirty feet: beginning at the common corner of said Wickliffe and Jacob Jacoby and pursuing the lines of said Wickliffe and Jacoby to the line of James McDowell, and then along the line of said McDowell and Jacoby to the turnpike road; and if the owners will not agree to make the said road a

Their powers.

May open a road.

public highway, it shall be the duty of said trustees to apply to the county court of Bourbon for a writ of *ad quod damnum*, to have the damages to any dissenting owner assessed, and after payment of, or tendering the damages by the trustees, it shall be the duty of said court to establish the way as a public road in said county, to be kept open and in repair by said trustees, and in all other respects to be subjected to the laws relating to highways in said county.

1833.

Writ of *ad quod damnum* may be awarded.

Sec. 2. *Be it further enacted*, That a majority of trustees in office shall be sufficient to transact the business of said Academy, and when a vacancy shall happen in said board, by any cause whatever, to fill all vacancies in their board.

Majority of trustees may do business.

Sec. 3. *Be it further enacted*, That if the owners, over which the road is proposed to pass, shall assent to the same under their hands, such assent shall be by the trustees recorded in the county court of Bourbon, and the same, when recorded, shall be full authority to the said county court to establish the road as a public highway, without summoning the owners or awarding a writ of *ad quod damnum*.

Owners of land may assent to the establishment of the road.

[Approved January 31, 1833.]

CHAP. 191.—AN ACT to extend the powers of the Road Commissioners of Bracken County.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the road commissioners of Bracken county shall hereafter have full power and authority, from time to time, to alter or change the sites of roads in said county already laid out, and direct new roads to be opened, and prescribe in their orders and judgments relative to the opening or changing a road, not only the site, but also the width and manner in which it shall be opened and kept in repair; and in all cases where they shall deem it necessary to open a new road or change an old one, before they shall make any order thereon, they shall give notice of such intended change or opening of the road, to the person claiming or owning the land through which the road is to run, or to his, her or their agent or guardian; and if the owner, his agent or guardian, shall object to the opening of the road through his or their land, it shall be the duty of the road commissioners forthwith to issue their war-

Sites of roads may be changed

Notice to be given.

Inquest to be held.

1833.

rant to the sheriff of the county, to summon twelve discreet housekeepers, to hold an inquest on the land through which the road is to run, on a day to be named in such warrant, of which meeting the party complaining shall have not less than three days notice.

Some one of  
comm'rs to at-  
tend the jury.

Verdict may be  
waivered.

Sec. 2. It shall be the duty of the road commissioners of Bracken county, or some one of them, to attend the jury, and administer the usual oath, to diligently enquire of and ascertain the damages which the opening or alteration of the road, if any, will do to the party complaining, and to record their verdict, which may be traversed by the commonwealth, or the party complaining, at any time within ten days thereafter; and on a traverse being filed, it shall be the duty of the commissioner taking the verdict, to immediately deliver or send the proceedings to the clerk of the circuit court of the county, who shall set the cause down for trial at the next term of said court thereafter, immediately succeeding the commonwealth's cases; and it shall be the duty of the court to try the same, to give judgment thereon according to right and justice of the case, without regarding formality in the pleadings, and may empannell a jury to try the facts and assess the damages, and the decision of the court thereon shall be final.

Comm'rs to  
have discretion  
to establish the  
road or not.

Sec. 3. It shall be in the discretion of the road commissioners, all things considered, to establish the road or not; if they do establish the road, they shall, before they proceed to open it, pay to the owner the amount adjudged for him, and cost: *Provided*, The cost allowed him shall in no case exceed the amount of damages so assessed; and if no damages shall be assessed, the party complaining shall pay all cost.

All powers of  
the county court  
to be vested in  
the comm'rs.

Sec. 4. *Be it further enacted*, That all the power and authority heretofore belonging to, or vested in, the county courts of Bracken county, over the public highways therein, shall be, and the same are hereby, vested in the road commissioners thereof, and all copies of the records made out and certified by one of the road commissioners, who, at the time, shall be in the possession of such record or records of said road commissioners, shall be received as competent evidence in all courts, of the facts contained in such certified copy or copies.

Jury to esti-  
mate the ad-  
vantages.

Sec. 5. *Be it further enacted*, The jury in all cases, in assessing damages for the opening a new road, shall take into consideration the advantages that may arise

to the claimant of the land, and deduct it from the injury. 1833.

Sec. 6. *Be it further enacted*, That hereafter it shall be the duty of each road commissioner in said county, to prosecute all persons by warrant before some justice of the peace, for all fines now allowed by law, for stopping or altering any road in said county, or for obliterating sign boards, mile stones, or posts, or for other trespasses, and the justice of the peace trying the same, may give judgment and issue any execution thereon to enforce its collection: or they may proceed by presentment or indictment as heretofore.

Justices empowered to impose fines for stopping roads, &c.

[Approved January 31, 1833.]

CHAP. 192.—AN ACT to repeal the law now in existence in relation to Head-right settlers, and to dispose of the balance of the debt due from this class of debtors to the purposes of internal improvements.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the owners of Head-right certificates, within any of the counties of this Commonwealth, shall, on or before the first day of November next, file in the clerk's office of the county court where he resides, said certificate, and the clerk shall make out an account, in the name of the owner or owners of said certificate, shewing the balance due by he, she or they to the Commonwealth, which balance shall be subject to the control of the county court, who shall, as soon as may be, after the said first day of November next, determine on what public highway or highways, within their county, the money or labor arising or due from said Head-right debtors shall be appropriated; and the said court shall appoint an overseer or overseers, whose duty it shall be to lay out said money or labor upon any road and in whatsoever manner the said court may direct; and the clerk shall, under the direction of said court, furnish said overseer or overseers with a list of the names of the persons who have filed their head-right certificates with him, and the several balances due by said certificate holders; and the said overseer or overseers are hereby authorised to collect, either in money or labor, the said balances, and receipt for the same; and on the production of said receipt to the county court, they are hereby required to receive it, if it be in full, and certify the same, by their clerk, to

Head-right certificates to be filed in the county court.

Courts to direct to what the amount due may be applied.

Overseers to be appointed.

Their duty.

1833.

the Auditor of Public Accounts, all which services shall be rendered by the clerk without fee, who is hereby authorised and required to issue a quietus, in the name of the owner or owners of said certificate, his, her or their assignees; and said county courts shall say to the said overseer or overseers what wages they are to allow per day to those debtors who choose to work out the balance due on their head-right certificates; and the said overseer or overseers are hereby authorised and required to give notice to such of the debtors as have filed their certificates with the clerk, of the time and place he intends working on the road or roads.

Further time  
given to survey.

Sec. 2. *Be it further enacted*, That so much of the act now in force as authorises the owners of head-right certificates to have them surveyed and patented be, and the same is hereby continued in force for two years from the passage of this act and no longer; and all head-right claims held within this commonwealth, not surveyed and returned to the Register's office before the end of the above named two years, shall be forfeited to the commonwealth, and may be taken up and surveyed by any person in the same manner as the other vacant lands belonging to the commonwealth are now taken up and surveyed.

A majority of  
the justices to  
be present in  
court.

Sec. 3. *Be it further enacted*, That in all cases where the county courts are herein required to act, there shall be a majority of all the justices of the county present.

Register to is-  
sue patents.

Sec. 4. *Be it further enacted*, That on the production of the aforesaid quietus to the Register of the Land Office and the survey made thereon, he shall issue a patent therefor, as in other cases provided for by the general law appropriating the vacant lands of this commonwealth.

Clerks of coun-  
ty courts to re-  
cord the names  
of owners of  
certificates.

Sec. 5. *Be it further enacted*, That the clerk of each of the aforesaid counties shall keep a book, in which he shall enter and record the names of such persons as file with him head-right certificates under this act, together with the number and date of said certificate, and the amount due thereon to the commonwealth, and for his services the court shall make him a reasonable allowance.

Overseers to  
give bond.

Sec. 6. *Be it further enacted*, That the overseer or overseers to be appointed as aforesaid, shall give bond and security to the county court for the faithful discharge of his or their duty, in such sum as the court



may see proper to bind them; and it shall be the duty of said overseer or overseers, to keep an account of the money and labour received by him or them from the head-right debtors, and the number of days each debtor has worked with him on any road under the direction of the county court: and he shall further make out and report to said court, at their monthly sessions, a true and perfect statement of the amounts received by him as their agent or overseer, and how disbursed.

1833.

And report to the court.

Sec. 7. *Be it further enacted*, That all the balance of the debt due the commonwealth on commissioners', county and circuit court certificates South of Green river, and within the territory or bounds acquired by the treaty of Tellico, shall be disposed of by virtue of the provisions of the above act.

Amount due on certificates South of Green river and in the Tellico bounds disposed of.

Sec. 8. *Be it further enacted*, That each of the county courts in this commonwealth shall have full power and authority, in their discretion, to surrender up to any widow or poor persons who may be unable to pay, and who may be a settler on the land, any balance due from him, her or them, and may without payment grant a certificate to the Auditor, in like form as if the payment had been made in money or labor.

County court may surrender to widows and poor persons the balance due.

[Approved January 31, 1833.]

CHAP. 193.—AN ACT authorising the Trustees of the Kentucky Baptist Education Society to emancipate a Slave.

Whereas, it is represented to the present General Assembly, that Isachar Pawling, deceased, late of Mercer county, by various conveyances, in his lifetime, and also by his last will and testament, made large donations to the trustees of the Kentucky Baptist Education Society, in trust, for the use of a college to be established under their superintendence: And whereas, it is further represented by said trustees, that among the estate devised to them by the said Pawling there is a certain slave named Spencer, who was the attending servant of said Pawling for many years, and whom said Pawling desired and intended to emancipate, as a reward for his faithful obedience of, and attention to, his master in his old age; but that by some omission the intention of said Pawling was never carried into effect: Wherefore—

P

1833.

Trustees may  
emancipate a  
slave.

To be recorded  
in Mercer.

One member  
may execute  
the bond.

The proceed-  
ings to entitle  
the slave to his  
freedom.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the trustees of the Kentucky Baptist Education Society, to enter upon the records of their proceedings an order emancipating said slave; and upon a copy of said order being produced by any one of said trustees, in the Mercer county court, it shall be lawful for said county court to receive said copy as a deed of emancipation, and proceed thereon in every respect as upon an ordinary deed of emancipation acknowledged in court by the owner of a slave.

Sec. 2. *Be it further enacted,* That any one member of said board of trustees shall be competent to execute and acknowledge in said court, on behalf of said trustees, any bond which may be required by the court to prevent said Spencer from becoming a charge to the state or county.

Sec. 3. *Be it further enacted,* That the proceedings herein authorised, when executed, shall entitle the said Spencer to his freedom, in the same manner and under the same conditions as other emancipated slaves who have been manumitted by their owners.

[Approved January 31, 1833.]

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CHAP. 194.—AN ACT to remove the obstruction to navigation at the Falls of Green river, and for other purposes.

Money appro-  
priated.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the sum of twenty thousand dollars is hereby appropriated to remove the obstructions to the free navigation of Green river, at the three principal falls thereof, in the manner hereinafter directed.

Comm'rs ap-  
pointed.

Sec. 2. *Be it further enacted,* That Joseph R. Underwood, James R. Skiles and Henry Shanks, of the county of Warren, James Murrell, of the county of Barren, Stephen Ashby, of the county of Hopkins, Dillis Dyer, of the county of Ohio, and Simpson Stout, of the county of Daviess, be, and they are hereby, appointed commissioners to superintend and conduct the work necessary to be done in the removal of all the said obstructions, or otherwise to open the navigation of said river, whose duty it shall be to engage a competent engineer or engineers to survey the said falls, and who shall have power to employ a sufficient number of laborers, and to make all con-

To employ en-  
gineers.

tracts, and to do all other things necessary for the carrying on and completing said work.

1833.

Sec. 3. *Be it further enacted*, That after said engineer or engineers shall have surveyed said falls, and made report thereof to the said commissioners, the said commissioners shall thereupon proceed immediately to the performance of their duties, and shall commence the work at either of the falls of Green river, the removal of which will in their opinion most facilitate the navigation of said river: *Provided*, That if, after the said survey is made, the commissioners, or a majority of them, shall be of opinion that the cost of removing the obstructions or opening the navigation of said river at the falls of Vienna shall exceed the sum of twenty-five thousand dollars, in that event the said commissioners shall not proceed any further with the said work, but shall report the said survey and their opinion of the most practicable plan of opening the navigation of said river, to the next session of the General Assembly: *Provided, further*, That if the said commissioners proceed no further than a survey of said falls, they shall draw upon the Treasurer for the amount which shall be sufficient to defray the expenses of said survey and no more; which said sum the treasurer is hereby required to pay to the order of said commissioners, or a majority of them.

Engineer to report.

Comm'rs to decide whether the work shall proceed.

Proviso.

Sec. 4. *Be it further enacted*, That when the said commissioners shall be ready to commence said work, it shall be lawful for them, or a majority of them, to draw upon the Treasurer for an amount not exceeding five thousand dollars; and the Treasurer is hereby authorised and required to pay the same to the order of said commissioners, or a majority of them, as aforesaid; and the said commissioners, or a majority of them, shall be, and are hereby, authorised to draw on the Treasurer, from time to time, for such sum or sums as may be necessary to keep said work regularly in progress; and the Treasurer is hereby authorised and directed to pay the same to the order of said commissioners, or a majority of them: *Provided*, The whole amount drawn shall not exceed the said twenty thousand dollars.

Comm'rs may draw on Treasurer.

Proviso.

Sec. 5. *Be it further enacted*, That before the said commissioners enter upon the discharge of the duties imposed upon them by this act, they shall meet in the town of Hartford, in the county of Ohio, on the day

Comm'rs to meet and organize.

1833. shall be subscribed for, by individuals, to cause payments to be made on the stock of the state, in the same proportion that stock shall be paid in by individuals on their stock; and that said Board may open books for the subscription of stock in said turnpike whenever they may deem it advisable, and so soon as three hundred shares shall have been subscribed in the manner before directed, they shall commence the construction of said turnpike at Benson, and continue the same from thence to Frankfort: *Provided, however,* That the Governor shall cause no instalments to be paid on the stock subscribed on the part of the state, until he shall have been notified by the Board of Internal Improvements that the instalments on the stock subscribed by individuals have been paid in.

Proviso,

[Approved February 2, 1833.]

CHAP. 196.—AN ACT to appropriate a sum of money for the purpose of improving the navigation of the Cumberland River at Smith's shoals, and the Big South Fork of said River up to the Coal banks.

Preamble,

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky, that it is of vital importance to the prosperity and happiness of that portion of our citizens in this state living above the Tennessee state line, in the counties of Russell, Wayne, Pulaski, Lincoln, Rockcastle, Laurel, Whitley, Knox, Clay and Harlan, that the navigation of the Cumberland river should be improved by removing the obstructions at Smith's shoals.

It is further represented, that some of the finest and most extensive bodies of stone-coal, ever found in the United States, have been found and are now opening on said river above said shoals, and upon the Big South fork of said river in the counties of Pulaski and Wayne. The strata of coal is several miles in length and from three to five feet thick, and is of a rich bituminous quality, and would afford constant labor for several hundred hands in building boats, getting plank, quarrying, hauling, and boating the coal to market. It has always heretofore brought at Nashville, and at the ironworks on the river below, from fifteen to twenty cents per bushel: and there is at this time, and has been for nearly twelve months, from one hundred to one hundred and fifty thousand bushels of coal lying

1833.

on the bank of the Cumberland river above Smith's shoals, and on the Big South fork, ready to be carried off, but could not be got to market in consequence of the obstructions in said shoals, by which the country has been deprived of the use of at least \$20,000 cash this year, which it would have received from a sister state. Owing to the great width of the river at Smith's shoals, it requires an uncommonly high freshet to enable the owners of the coal mines, and others engaged in the exportation of the surplus products of the country lying above said shoals, to descend the river in safety with their boats; in consequence of which the whole country above, as well as the owners of said coal mines, are sustaining, and have sustained, immense injury, by reason of their not being able to get the coal now lying on the river bank to market.

It is further represented and believed, that by withholding appropriations for improving public highways and the navigable streams, you both impoverish your citizens and the treasury. For example: by improving your highways and navigable streams, you increase the value of real estate in their neighborhoods. A plantation that would bring \$1,000 before these outlets to market were opened, would, after they were opened, bring from two to three thousand dollars; and in the very same proportion the revenue paid into the treasury would be increased. A plantation worth \$1,000 now pays a revenue tax of 62½ cents; increase its value to double that sum, by improving a highway or navigable stream, and the revenue tax on the same plantation would be \$1 25 cents, more or less, in proportion to its increased value, and property never gets less valuable by improving highways or the navigation of water courses in its vicinity.

It is further represented, that the rocks in the above named shoals are, for the most part, loose and shelly, and can be easily broke and removed out of the channel: Therefore—

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That John Bates, of Clay county, Cyrenous Wait, of Pulaski county, and Michael Castello, of Wayne county, be, and they are hereby, appointed commissioners to view and mark out a channel to be opened through Smith's shoals, and that Marcus Huling, James Moody and Michael Castello, be, and they are hereby, appointed commissioners to view and mark out a channel to be opened

Comm'rs appointed and their duty.

1833.

through the shoals below said Huling and Major Dicks' stone-coal mines, on the Big South fork, and fix permanent guides to direct the managers employed to open the shoals; and the said commissioners shall receive one dollar and fifty cents per day each, whilst engaged in viewing out and marking the channel to be opened through said shoals, and the same for each twenty-five miles they travel in coming from and returning home.

Their pay.

Appropriation  
to Smith's  
shoals.

For the South  
Fork.

Sec. 2. *Be it further enacted*, That the sum of three thousand dollars in Commonwealth's paper be, and the same is hereby, appropriated from the branch of the Bank of the Commonwealth heretofore located at Somerset, in Pulaski county, to the opening and improving the navigation of Smith's shoals, and that one thousand dollars in Commonwealth's paper be, and the same is hereby, appropriated from the said branch Bank to the opening and improving the navigation of the Big South fork shoals, below the stone-coal mines thereon; and the person or persons appointed by the county courts of Pulaski or Wayne to superintend and manage the opening and improving said shoals, shall make out and report to the next General Assembly of this state, at its commencement, a true and perfect statement, shewing how the money appropriated above has been disbursed, and what progress they have made in removing the obstructions in said shoals: and they shall file duplicate copies of said reports in the clerks' offices of Wayne and Pulaski counties, subject to the inspection of any person wishing to see the same.

Majority of the  
justices of the  
county courts to  
be present.

Sec. 3. *Be it further enacted*, That in all cases where the county courts of Wayne or Pulaski are authorised or required to act under the provisions of this act; there shall be a majority of all the justices of the county present.

Powers of the  
county courts  
of Wayne and  
Pulaski.

Sec. 4. *Be it further enacted*, That the county courts of Pulaski and Wayne shall have power, and they are hereby required, to appoint some qualified person or persons (and fix their wages,) to superintend and manage the opening and improving the navigation of said shoals upon the track marked out by the above named commissioners; and the said county courts shall have power, and they are hereby required, to take bond with good security of the person or persons so appointed, in any sum they may think proper, conditioned to be void on the faithful discharge of his or their duty;

said bond shall be made payable to the commonwealth, and for a breach thereof suit may be brought or instituted in the circuit courts of Pulaski or Wayne counties, in the same manner as suits are instituted and conducted upon other bonds made payable to the commonwealth; and the said county courts shall have power, a majority being present, to remove said superintendant or manager, and appoint another in his place, whenever it may seem to them the public good requires it.

1833.

Sec. 5. *Be it further enacted,* That the sums appropriated aforesaid shall be handed over by the agent of the said branch Bank at Somerset, to the county courts of Wayne and Pulaski, who shall deposite the same in the hands of their clerk, subject to the court's disbursement; and the said clerks shall give bond and security for the safe keeping and delivery of the same to said courts as demanded by them. The three thousand dollars appropriated to Smith's shoals to be under the management and control of the county court of Pulaski, and the one thousand dollars appropriated to the improvement of the Big South fork to be under the management and control of the county court of Wayne; and the said county courts of Wayne and Pulaski are hereby authorised and required, on the delivery of said money to them, or either of them, by the agent of said branch Bank, to execute a receipt therefor, which receipt shall be passed to the credit of said agent, on a settlement with the mother Bank, as so much cash paid.

Money to be deposited with the clerks of Wayne and Pulaski, and their duty.

Sec. 6. *Be it further enacted,* That the said county courts of Wayne or Pulaski shall have power, and they are hereby authorised, to appoint two or more persons, whose duty it shall be, from time to time, to pay over to the manager or superintendant appointed by said court, (to superintend the opening and improving the above named shoals,) the money appropriated above: and they shall, from time to time, examine the work done by the said superintendant or superintendants on the said shoals, as also how the money has been disbursed, whether usefully or otherwise, and they shall report thereon to said county courts at their monthly sessions.

Courts to appoint commrs, and their duty.

[Approved February 2, 1833.]

1833.

CHAP. 197.—AN ACT to incorporate the City of Maysville.

City of Maysville incorporated.

Bounds thereof.

Style thereof and corporate powers.

Prudential, fiscal and municipal concerns thereof vested in a Mayor and board of Councilmen, and mode of electing them.

Term for which they shall hold their offices, and their qualifications.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the county of Mason as is contained in the following bounds, to-wit: beginning at the mouth of Limestone creek, thence up said creek with its meanderings to the line of James Morrison's lot opposite to Upper alley, thence with Upper alley to Fifth street, thence down Fifth street to Sutton street, thence with William Gibson's upper line and along the side of the hill so as to intersect the Maysville and Lexington Turnpike road at the lower fill, thence with the said turnpike road to the East corner of John Armstrong's lot near the said turnpike road, thence with the stone wall of said Armstrong's lot and down the river, in a straight line, opposite to Lower street, thence with said Lower street to low water mark on the Ohio river, thence up the Ohio river to the beginning, shall be, and is hereby, declared a City; and the inhabitants thereof are created a body corporate and politic, with perpetual succession, by the name and style of "THE CITY OF MAYSVILLE," and as such by that name shall be capable in law of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places, and in all matters whatsoever: and may have and use a corporate seal, and change, alter and renew the same at pleasure.

Sec. 2. *Be it further enacted,* That the fiscal, prudential and municipal concerns of the said City, with the government and control thereof, shall be vested in one principal officer to be called the Mayor, and one City Council, consisting of nine persons, to be denominated the Board of Councilmen, who shall be elected for the first time on the first Monday in March next, in the way that trustees of the town of Maysville have been heretofore elected; and the councilmen shall hold their offices for one year, or until their successors shall be duly elected and qualified; and the Mayor shall hold his office for one year, or until his successor shall be duly elected and qualified; all of whom shall have resided within the said City for two years next preceding the election, shall have paid their taxes within the same, the preceding year, and be citizens of this state.



Sec. 3. *Be it further enacted,* That the Mayor and Councilmen of said City shall enter on the discharge of the duties of their respective offices, on the Thursday succeeding the first Monday in March next, and in all subsequent elections on the Thursday succeeding the first Monday in January; and before entering on the duty of their respective offices shall each be sworn to support the constitution of the United States and of this state, and that they will well and truly discharge the duty of Mayor or of a Councilman of said City; which oath may be administered to the Mayor elect by any judge of any court of record in this Commonwealth, or by any justice of the peace for the county of Mason; and the Mayor, after he is sworn into office shall administer the said oaths to each of the councilmen, or the same may be administered by any justice of the peace for the county of Mason; and an entry shall be made on the records of the board, that said oaths have been duly administered.

1833.

Time of entering on the discharge of their duties.

Shall take an oath of office.

Sec. 4. *Be it further enacted,* That so soon as the councilmen shall have been qualified as aforesaid, they shall organize themselves into a body for the transaction of business, by electing one of their body President: whose duty it shall be to attend all meetings of the board, preside over their deliberations, put all questions, and keep and preserve order in the board; and in the absence of the President, the board, or a majority of them, shall appoint one of the members present to act as President for the time being. The board of councilmen shall also appoint a citizen of the City, clerk, to be styled "Clerk of the City:" who shall take an oath faithfully to discharge the duties of his appointment, and shall hold his office one year, and until his successor shall be chosen, unless sooner removed by a majority of the board of councilmen; it shall be his duty to keep a journal of the proceedings of the board, and a fair and accurate account of the fiscal concerns of the City, and to perform all other acts properly appertaining to his office; he shall also keep and safely preserve all the records, books and papers of the City, and immediately deliver them over to the board of councilmen when thereunto required.

Councilmen shall elect a President.

His duty, &c.

Shall appoint a clerk who shall take an oath.

His duty.

Sec. 5. *Be it further enacted,* That it shall be the duty of the board of councilmen that shall be first elected under this act, to lay off the said City into

City to be laid off into 3 wards

1833.

Each ward to elect 3 councilmen.

Boundary of wards to be altered and equalized.

Time of electing Mayor and Councilmen.

Qualification of voters.

Inspectors of elections to be appointed, and how.

Time of the elections to be advertised.

Vote for Mayor and Councilmen to be returned to city clerk, and by him recorded.

three wards, for the purposes herein named, as nearly equal as possible, as to number of inhabitants, improvements and permanent boundaries, each of which wards is to be entitled to elect three councilmen, to be members of the board of councilmen; and it shall be the duty of the said board of councilmen, from time to time, to alter the boundaries of the wards so as to equalize the number of inhabitants in each, as high as may be, but such alteration shall not be made except on a general census of all the inhabitants being previously taken.

Sec. 6. *Be it further enacted*, That on the first Monday in January, in each year, succeeding the first election, the free white male inhabitants of said City, who at the time being are inhabitants of said City, who are citizens of the United States and have attained the age of twenty-one years and have paid their poll-tax to the said City, for the year next preceding the election, if any hath been charged to them, and who shall have, *bona fide*, resided therein six calendar months previous to said election, shall meet in the wards in which they respectively reside, and vote for the councilman or councilmen such ward shall be entitled to elect, and for a mayor; and it shall be the duty of the board of councilmen previously elected, to appoint three suitable persons, in each ward, as inspectors of the election, and to furnish them with a warrant directing them, or a majority of them, to hold the election. Notice of the time and place of holding the elections, in the respective wards, shall be published in one or more of the public newspapers printed in the City, with the names of the ward inspectors. The election shall be held during the same hours, to be directed by the board of councilmen, in all the wards. On closing the polls, at the hour mentioned in their warrant, the inspectors shall declare the same, and the three persons having the highest number of qualified votes, shall be declared as duly elected councilmen in each ward. The vote given for Mayor shall be added up by the inspectors and returned by them to the "clerk of the City," with the list of the polls for councilmen, which list shall be certified by a majority of said inspectors, and sworn to, as just and true returns of the election, which oath shall be administered by the Mayor or any justice of the peace; the returns of the vote so made shall be received by the said clerk and duly recorded in a book kept for that purpose.

1833.

**Sec. 7.** *Be it further enacted,* That the Mayor of the City shall be the chief executive officer of said corporation, and shall be compensated for his services by a salary, payable quarterly, out of the funds of the corporation, to be fixed by the board of councilmen, and which shall not be increased or diminished during his term of office. The said salary is to be exclusive of all fees and perquisites of his office. It shall be the duty of the Mayor to be vigilant and active, at all times, in causing the laws and ordinances of said City to be duly executed and put in force, to inspect the conduct of all subordinate officers thereof, and, as far as in his power, to cause all negligence, carelessness and positive violations of duty to be duly prosecuted and punished. He shall provide and keep a seal, with such device thereon as he may think proper, which shall be the seal of the Mayor of said City; and he shall keep an office in some convenient place in said City, and have power to administer oaths. He shall have power to summon a jury, in all causes tried before him, where the parties, or either of them, require it. He shall have exclusive original jurisdiction in all cases for violations of the ordinances of the City. He shall have the like jurisdiction within the limits of the City that justices of the peace have over assaults and battery, and riots, routs and unlawful assemblies, and damages may be assessed by the jury finding any person or persons guilty of an assault and battery, riot, rout or unlawful assembly, to the amount of one hundred dollars. He shall also have the same jurisdiction in civil actions, and to the same amount, that justices of the peace are invested with by law: *Provided,* That appeals shall and may be had from the judgments and decisions of the Mayor to the county court of Mason, or the circuit court of Mason, in all civil actions, in like manner as appeals are taken and to be had from the like decisions of justices of the peace. And he shall have jurisdiction to hear and determine all breaches of the penal laws of this state, where the penalty does not exceed fifty dollars, or where a justice of the peace is in any manner authorised to act; and he shall have power to act as an examining court, and the jurisdiction of two justices of the peace as to committing or sending criminal offenders on to further trial.

Mayor's compensation to be fixed by councilmen.

Mayor's duty and powers.

**Sec. 8.** *Be it further enacted,* That the Mayor shall have the same power and authority to take the ac-

Mayor shall have same power.

1833.

er to take acknowledgments of deeds and powers of attorney as clerks of county courts have.

His fee therefor

May examine witnesses and take depositions.

His fees therefor.

Shall have and exercise the powers and perform the duties of justices and be entitled to same fees.

knowledge of deeds and powers of attorney, and to take the privy examination of *fines covert*, and certify the same, that the clerks of the several county courts have within this Commonwealth, and his certificate under his official seal shall authorise the recording thereof in like manner; and he shall be entitled to demand and receive a fee of *fifty cents* for every such certificate. He shall have power to examine witnesses under oaths from any court within this or any of the United States, or foreign country — and generally to take depositions according to the usages of law, and he shall be entitled to receive as fees one dollar for each witness examined, when his examination or the deposition is certified under his official seal. And in all cases where he shall affix the seal of his office, by request, to any document, he shall receive a fee of one dollar. And in all cases where the said Mayor shall exercise the powers and perform the duties of a justice of the peace, he shall receive the same fees as are allowed by law to justices, except where they are herein differently provided for; and he shall have a right to issue fee-bills (or executions) and collect them, as justices of the peace have or may have: but in no case, for services performed for the City, shall he receive any fee except his annual salary, unless specially allowed and appropriated by the board of councilmen.

Sec. 9. *Be it further enacted*, That the board of councilmen shall have and possess all the powers of the present board of trustees of the town of Maysville, either by the general laws of this Commonwealth or the particular laws now in force in respect to the town of Maysville, with all power and authority to adopt the by-laws and ordinances of said town now in force, or to amend, alter and repeal the same; and shall have full power to pass such laws and ordinances, for the good government of said City and for its improvement, as they shall, from time to time, deem expedient, not contrary to the constitution of the United States or of this state; and to annex and enforce adequate penalties for all violations of said ordinances and by-laws. The said board of councilmen shall have full power to authorize a regular or temporary watch to be established in said City, and to fix the number of watchmen for each ward, and the salary to be paid them; and the number so fixed, shall be appointed by the Mayor, from the citizens of

Board of councilmen shall possess the powers of present board of trustees of Maysville.

Shall have power to pass by-laws and ordinances.

Shall have power to authorize a regular or temporary watch.

And the salary to be paid them

the City; and such watchmen shall be conservators of the peace, and shall be, and are hereby, vested with powers to arrest all felons, gamblers, rioters, breakers of the peace, vagrants, persons of ill fame and of riotous disorderly conduct, and carry them, with such evidence as they may have, before the Mayor or some justice of the peace of Mason county, (being within the City,) to be dealt with according to law; and if such apprehension is in the night, then to the watch-house for safe keeping until morning: they shall also be vested with the power of *patrollers*.

1833.

And they shall be conservators of the peace.

Sec. 10. *Be it further enacted*, That the board of councilmen shall have the power to receive conveyances or consent in writing, from the proprietors of lots or lands within the limits of the City, for the purpose of locating new streets or alleys, or extending those already located, and may locate and extend the same after receiving such authority. And when they shall deem it necessary to open any new street or alley, or extend any street or alley of the town, they shall have authority to present their petition to the ~~Mason circuit court~~, naming the street or alley they wish opened or extended, and giving the name or names of the owner or owners of the lots or lands, such street or alley will pass over, and the extent and width thereof; and thereupon the court shall order a summons to issue for such owner or owners to appear on some convenient day of that or some subsequent term, to shew cause why such street or alley shall not be opened or extended, which summons shall be executed on such owner, if in the county, if not, on his agent, if one is known; and on the return of the summons executed, or the return of no inhabitant or known agent, and no one appearing, the court shall order the street or alley to be opened or extended; and if any one or more of such persons shall appear, they shall have a right to claim a writ of "*ad quod damnum*," which the court shall award to the proper officer, to be executed as other writs of that nature for opening roads are executed; and on the return of the writ executed, the court shall order the board of councilmen to pay the damages assessed, and shall direct the street or alley to be opened or extended. The board of councilmen shall have full power and authority to cause all side-walks, streets and alleys now established or hereafter to be established in said City, to be paved or turnpiked at the expense of the City.

Shall have power to receive conveyances or consent in writing from proprietors of lots, to locate new streets, &c.

May petition the Mason circuit court for the purpose of opening streets, &c.

Owner or owners of lots to be summoned, &c.

May claim a writ of *ad quod damnum*.

Board may cause all side-walks to be paved.

1833.

Powers of board  
of councilmen.

May borrow  
money and  
pledge property  
or future taxes  
for payment.

Authorized to  
regulate inspec-  
tions, &c.

May appoint a  
health officer.

Provide.

To organize a  
fire company,  
provide engines,  
&c.

To prohibit the  
erection of

Sec. 11. *Be it further enacted*, That the board of councilmen of said city shall have and possess the powers hereinafter mentioned, to-wit: *First*—To purchase, hold and sell real estate within the limits of said City, the grave-yards excepted: also, to purchase, hold and sell personal property or stock in incorporated companies. *Second*—The said board of councilmen shall have the power to borrow money on the credit of the corporation, and to pledge any of the corporation property for the redemption of the same, or to pledge any part of the future taxes of the City for the payment of interest on such loan: *Provided*, That the interest paid on such loan shall in no case exceed six per cent. per annum, and that the amount on loan at any one time to said City shall not exceed fifty thousand dollars. *Third*—They are authorised and empowered to regulate all inspections within said City, to provide against frauds therein, to make such by-laws as may be necessary to carry such regulations into effect, and to punish breaches thereof. *Fourth*—They are hereby vested with the power and authority to appoint a health officer; to establish regulations which may be necessary and proper to prevent the introduction of the small pox, and to eradicate such disease when it shall have made its appearance in said City: *Provided*, That nothing herein contained, shall be construed to give any power to establish any regulation inconsistent with the constitution and laws of the state, or to prevent the legislature from changing, by law, any regulation which may be made by said corporation on this subject, or in relation to inspections. *Fifth*—They shall have power to organise a fire department for the extinguishment of fires, which may happen within said City; to provide engines, and other apparatus for that purpose, and to appoint a suitable number of able bodied men, not exceeding twenty, to each engine, who shall be exempted from serving on juries, and doing militia duty in time of peace, during the time they are attached to such engine; the said engine-men are to be appointed for any time that the board of councilmen shall ordain, and may be discharged by them at pleasure: and the said board of councilmen shall make all necessary by-laws for the punishment of any inhabitant of said City, for non-attendance, or disorderly or improper conduct, during the time of fire. *Sixth*—The said board shall have the power, with the concurrence of three-fourths

thereof, to prohibit the erection of buildings of wood, or to regulate the size and height of such buildings, in any part of said City, whereby great damage may ensue to valuable and permanent improvements, and enforce the observance of the same by fines and penalties. *Seventh*—They shall have the power, and it shall be their duty, to erect or procure, suitable buildings for a poor and workhouse, in which the indigent poor shall be provided for at the expense of the City, to be regulated and managed by agents and superintendants appointed by the board of councilmen; and in apartments distinct from the indigent, provision shall be made for the confinement of common beggars, vagrants, and all persons who may be sentenced for short periods of confinement by the Mayor or justices of the peace, for any offence for which they may be lawfully confined, where they shall be employed in such labor as shall be directed by the board of councilmen, or to which they may be sentenced by the officer committing them, under the authority of law, or under the ordinances of the board of councilmen; persons committed to the workhouse, shall only be sent by warrants of the Mayor, or some justice of the peace as aforesaid, and discharged by the overseer at the expiration of the time for which they were sentenced; a committee of the board of councilmen, or special overseers of the poor to be established by the board, shall place paupers in the poorhouse at their discretion: but the whole establishment shall be under the control and immediate care of the board of councilmen, and they shall have full power to pass ordinances and by-laws to carry this provision into effect. *Eighth*—They shall have power, whenever the public health, convenience or safety shall require it, in their opinion, to prohibit cattle or other animals from running at large in the streets, or alleys, commons, or other public places in said City; and further, it shall be their duty, and they have the power, to compel the abatement of all nuisances within said City, under such rules and regulations as shall be prescribed by ordinance. *Ninth*—The said board of councilmen shall have power to assess, levy, and collect taxes, on such real and personal estate as they may designate; but such taxation shall be uniform on all kinds of property. They shall also have the exclusive right to tax and license all taverns, grocers, victuallers, confectioners, retailers, and houses of public resort, (ex-

1833.

wooden buildings.

To erect a poor and work house, and their power in relation thereto.

May prohibit cattle or other animals from running at large in streets, and abate nuisances

May levy and collect taxes on real and personal estate.

Tax and license all taverns, grocers, victuallers, confectioners, &c.

1833.

May tax exchange and bookers' offices.

May license carts, wagons, &c.

May levy and collect a tax on domestic animals, &c.

Mode of collecting tax.

May pass by-laws.

Shall appoint one city assessor

His duty.

When the assessor's list is returned, notice to be given.

cept gambling houses and houses of ill-fame,) in the City; but taverns shall also be liable to pay the revenue tax of ten dollars. They shall also have the right to tax all exchange or brokers' offices in said City, in any sum not exceeding forty dollars per annum. They shall also have the right to regulate and license all carts, wagons, drays, hackney coaches and porters, which may be plying in said City for hire. They shall also have the power, when they choose, to levy and collect a tax on any domestic animal, (milch cows and horses excepted,) in any sum not exceeding five dollars on each animal so taxed; which said tax shall be collected by the city collector, and paid into the city treasury, in the same manner, and under the same restrictions, and in all things as to the sale of real or personal property therefor, he shall act according to the law governing the collection of taxes for state and county purposes. They shall have power to pass by-laws and ordinances, with adequate powers and penalties, for the enforcement of the provisions of this section. *Tenth*—The said board of councilmen shall appoint one city assessor, annually, and two assistants, if necessary, who shall take in a list of all the taxable inhabitants within the said City, separately, and in each ward, and affix against each the amount of his, her, or their real estate in said City, and also the true and just value of the personal estate of such inhabitant, whether in stock, goods, or other property, (all articles manufactured in said City excepted,) that may be designated for taxation by the said board of councilmen, which list shall be made on the oath of the party; and if the party refuse to give such list under oath, the amount shall be ascertained and set down from the best information such assessor may possess. And in each of the several wards of said City, the said list shall be extended to include all free males over twenty-one years of age, and all slaves, with the value of each slave, taverns, grocers, victuallers, retailers, confectioners, and houses of public resort, (except gaming houses and *houses of ill-fame*), hacks, drays, carts, wagons, and porters, plying for hire in said City; and when said list shall be completed and returned to the board of councilmen, they shall give a reasonable notice, that any inhabitant of said City may examine the same; and if any one feels himself aggrieved by the valuation of the assessor, application may be made to the board of councilmen, and on



proof being made to their satisfaction, the valuation may be changed, if said application is made within the time prescribed by the said board. The board of councilmen shall proceed to lay and levy the taxes of the current year, from estimates previously submitted to the board by the Mayor: *Provided*, The same shall not exceed twenty-five cents on each hundred dollars of such valuation. And for the general expenses of the city government, such as the police salaries, the support of the poor, and all charges for the well-governing of said city throughout, the estimates shall be presented by the Mayor. A tax shall be levied on each free male inhabitant of twenty-one years and upwards, except paupers, at a rate not exceeding one dollar and fifty cents each. And when the said tax is fixed, as is herein provided, bills or a list thereof shall be placed in the hands of a collector, to be appointed by the board of councilmen, with their warrant to collect the same, which warrant shall be signed by the president of the board, and have the seal of the corporation of the City affixed to it. The powers of the collectors of the City tax shall be the same, as to distraining, advertising, and selling property, as is now granted by law to the sheriff, in the collection of the state revenue and county levy. Bond with good security in an adequate penalty shall be taken payable to the City of Maysville, and any collector shall be removable at the pleasure of the board of councilmen. The city collector shall be liable to judgment, upon motion, in the Mason circuit court for failing to collect and pay over any sums put into his hands for collection, by the time stipulated, with ten per centum damages and costs: five days notice of such motion shall be sufficient, and there shall be no replevin or valuation of property on executions issuing on such judgments. A lien shall exist on the real estate and slaves of such collector and his securities, for the payment of all sums placed in his hands for collection. *Eleventh*—No theatrical, or other show or exhibition, or performance of any kind, for money, shall be opened or held in said city, unless the same shall be licensed by the Mayor of said City, under an ordinance passed by the board fixed [fixing] the rate of tax for the same according to the magnitude thereof, which ordinance the said board shall have power to pass and regulate the same by laws, for which license the said Mayor shall receive a fee of fifty cents.

1833.

May levy taxes

Provide.

To be levied on  
free male in-  
habitants.May appoint a  
collector.

His power.

To give bond  
and security.May be remov-  
ed.May be pro-  
ceeded against  
by motion in  
the Mason cir-  
cuit court.A lien shall ex-  
ist on real es-  
tate and slaves  
of collector and  
securities.Mayor, by or-  
dinance of the  
board, may tax  
theatrical per-  
formances and  
or exhibi-  
tions.

1833.

May regulate  
the introduction  
of gunpowder.

May establish  
one or more free  
schools.

Persons who  
may fail to pay  
fines for viola-  
ting laws, to be  
confined in  
work-house.

And also slaves  
hiring their own  
time.

Fines for dis-  
turbng religious  
assemblies and  
for breaches of  
the peace, and  
riots may be as-  
sessed at \$100.

That the title  
to property  
heretofore vest-  
ed in trustees in  
trust for others,  
vested in board  
of councilmen.

Writ to run in  
name of city.

Board may fix  
by ordinance  
the rate of  
wharfage upon  
boats, &c.

Shall have pow-  
er to regulate  
ferries owned  
by the city.

*Twelfth*—The said board of councilmen shall have power, by ordinance, to regulate the introduction of gunpowder into said City. *Thirteenth*—The board of councilmen shall have power and authority to establish one or more free schools in said City, and may receive donations of real and personal property, to erect the necessary buildings and provide the necessary revenue for their maintenance, by a tax on the citizens and property of said City.

Sec. 12. *Be it further enacted*, That all persons convicted of violating the laws of the City and failing to pay the fines inflicted therefor, shall be confined in the work-house at labour, until the amount thereof shall be discharged, at fifty cents per day; and all slaves found hiring their own time in said City, with the consent of their master or owner, shall be subject to confinement in the same work-house, under the order of the Mayor, for three months, who shall cause the master or mistress or hirer of such slave, if within the City, to be first summoned, to shew cause, if any, he, she or they can, why it shall not be done; and fines for disturbing religious worship, and for breaches of the peace and riots within said City, may be assessed by a jury before the Mayor, to one hundred dollars, or any less amount; and all fines for the violation of the by-laws and ordinances of said City shall be for its use.

Sec. 13. The title for the real estate held in trust for others by the town of Maysville or the trustees thereof shall be and the same is hereby vested in the board of councilmen and their successors, subject to the like trusts under which it was held by the trustees of the town of Maysville; and in all suits for or against said City, the writ shall run in the name of "the City of Maysville," and in suits against it, service of process on the "clerk of the City" shall be sufficient.

Sec. 14. *Be it further enacted*, That the board of councilmen shall have power to fix and regulate, by ordinance, the rates of wharfage upon all steam-boats, keel-boats, flat-boats or other water craft: also on all rafts of wood, plank and timber landing at the shore within the limits of said City, or sending goods or passengers on shore from such boats or crafts into said City. They shall also have the power and authority to regulate all ferries owned by said City, and to fix the rates of ferriages. The said board of council-

men, the Mayor and other officers of the City, shall have the same jurisdiction over the Ohio river, opposite said City, in all matters appertaining to said City and the laws thereof, which the circuit court of Mason county and the officers of said county have. The said board of councilmen shall also have the power and authority to pass all by-laws and ordinances necessary for the proper regulation of the market-house and markets in said City.

Sec. 15. The board of councilmen and the Mayor shall appoint all necessary subordinate officers to carry the foregoing provisions of this act into effect, such as a City Treasurer, police officers, overseers of the poor and, work-house, wharf-masters, market-masters and any other that may be required, to fix and regulate their salaries, to qualify them for the faithful discharge of their duties, and require bond and security of them, for the correct performance of the same.

Sec. 16. *Be it further enacted*, That the board of councilmen shall cause all the by-laws and ordinances passed by them, to be fairly recorded in their journal of their proceedings, and publish the same in one or more newspapers printed within said City; and annually to make out and publish a report of their proceedings, with an account of all monies received and paid out by their order, during the year that they have been in office.

Sec. 17. *Be it further enacted*, That all recognizances taken by the Mayor of the City of Maysville, when day is given for the appearance of the party, except in cases in which he has jurisdiction to try the matter, shall be for appearance in the Mason circuit court; and all recognizances, except those above excepted, shall be returned to the clerk of the said court, under the hand of the Mayor, and shall be docketed as recognizances taken and returned by magistrates. The Mayor, on the examination of criminal offenders, shall make out a statement of the evidence, and shall recognize the witnesses, and shall return the statement of the evidence and the recognizance to the clerk of the Mason circuit court. The Mayor shall keep a record of his proceedings and a docket of his causes, and shall issue original process for bringing offenders before him, and executions and precepts on his judgments. For taking recognizances, issuing process, executions and precepts, he shall be entitled to and receive the same fees that the

1833.

Jurisdiction of officers over the Ohio river,

May pass by-laws and ordinances concerning market-house.

The board may appoint all necessary subordinate officers.

Overseers of the poor and work-house.

By-laws and ordinances to be published and recorded.

And shall publish a report of their proceedings.

Recognizances taken by mayor where day is given, &c. to be returned to the Mason circuit court.

On examination of criminal offenders statement of evidence to be returned to the Mason circuit court.

Shall keep a record of proceedings and docket of causes

1833.

And shall issue process.

Inhabitants of city exempted from paying county levy.

There shall be a city Marshal chosen by board of councilmen.

Shall hold his office for one year.

His duty.

Shall by himself or deputy attend the sessions of the mayor.

May be appointed collector.

Shall execute bond with security.

Condition thereof.

A lien shall exist on land and slaves of Marshal and securities.

Entitled to same fees as sheriffs for like services.

Liable to judgment by motion

All the rights and privileges and property vested in trustees shall, when the board of

clerks of the several county and circuit courts receive for the like services, and shall have the right to issue fee-bills and to collect them in like manner.

Sec. 18. *Be it further enacted*, That the county levy for the county of Mason, heretofore collected from the inhabitants within the boundaries of said City, shall be discontinued; and the amount thereof shall be collected by the authority of the board of councilmen, as in this act provided.

Sec. 19. *Be it further enacted*, That there shall be in said City an officer, to be styled the "CITY MARSHAL," who shall be chosen by the board of councilmen, and be sworn to the faithful discharge of the duties of his office; which he shall hold for one year and until another shall succeed him, removable, however, at the pleasure of the board. He shall, if required by the board of Councilmen, have a resident deputy in each ward of the City, who shall be appointed with the advice and consent of the board. He shall, by himself or deputy, attend all the sessions of the board of councilmen, and the sessions of the Mayor, and preserve order, under their or his directions. He shall, by himself or deputy, execute all process emanating from the Mayor. He may be appointed City collector; and shall collect all the fees of the Mayor, if required. He shall execute bond with sufficient security, in an adequate penalty, before the board of councilmen, to the Commonwealth of Kentucky, conditioned faithfully to discharge the duties of his office, and to pay over all sums of money, that may come to his hands, to the persons entitled; and a lien shall exist on the lands and slaves of said Marshal and sureties, from the time of executing bond, for all sums of money that shall come to his hands. He shall be entitled to receive the same fees for the like services, which Sheriffs are entitled to receive, and shall have the same power and duty within the City. He and his sureties shall be liable to judgment, by motion in the Mason circuit court, in favor of any person entitled to money collected by said Marshal, in like manner as Sheriffs are liable.

Sec. 20. *Be it further enacted*. That all the rights, privileges and property, real and personal, and choses in action, which are now vested in and belonging to the trustees of the town of Maysville, shall, so soon as said board of councilmen may be organised, be vested in and belong to said City of Maysville, sub-

ject to the payment of all just demands which may exist against said trustees, and for which they are responsible.

Sec. 21. *Be it further enacted*, That the board of councilmen shall have the power and authority to pass all needful laws, with adequate penalties for the infraction of the same, not exceeding fifty dollars, which penalties may be sued for in the name of the City and recovered before the Mayor.

Sec. 22. *Be it further enacted*, That no license for retailing spirituous, malt or fermented liquors, singly or in conjunction with other privileges, shall be granted for a less sum than twenty dollars per annum, payable in advance: and no such license shall in any case be granted to free persons of color; nor shall any person be allowed to keep a house for the entertainment of travellers and others, for profit, under the pretence of keeping private entertainment, without taking out a tavern license.

Sec. 23. *Be it further enacted*, That no person or persons shall within the City of Maysville, or within one mile of its chartered limits, continue, establish or keep any ball alley, ninepin alley, roleyboley, shuffleboard, bagatelle table or any other table or alley played with balls or pins, under the penalty of fifty dollars for each and every day they may be kept or continued; and the council shall not exercise the right of taxing or licensing any such establishments.

Sec. 24. *Be it further enacted*, That all the power and authority, vested in justices of the peace and the county courts, by an act approved the twenty-third of February, 1808, in relation to free negroes and mulattoes, shall and may be exercised by the Mayor, within the limits of the City of Maysville, and he is hereby authorised and empowered to enforce the provisions of said act.

Sec. 25. *Be it further enacted*, That any person or persons who shall suffer or permit his, her or their slave or slaves to be within the City of Maysville, and make no provision for their support in their old age or in their infirmities, each and every such person shall be liable to the City of Maysville for double the amount expended by the City authorities, in the maintenance and administering to the infirmities of any such slave or slaves; and on petition to the judge of the Mason circuit court, by the Mayor of the City of Maysville, and ten days notice in writing to the

1833.

councilmen is organized, be vested in city.

Board of councilmen may pass by-laws with adequate penalties.

No license for retailing spirits for a less sum than \$20.

Nor any person to keep a house of entertainment under pretence of keeping boarding, without license.

No ball-alley, ninepin-alley, roley-boley, shuffle-board, &c. to be established within one mile of the city.

Power granted to justices and county court by act of 1808, in relation to free negroes and mulattoes, may be exercised by mayor.

Persons permitting old and infirm slaves to remain in city, liable for double the amount expended by city in maintaining them,

Mayor may petition judge Mason circuit court, &c.

1833.

owner or owners, the said judge shall have power and authority, if the owner lives within the City of Maysville, to make all proper orders on the owner or owners, and enforce the same by attachment or otherwise; and if the owner or owners reside out of the City of Maysville, for the removal of such old or infirm slave or slaves out of the City of Maysville, and enforce the same in like manner.

No justice for Mason county shall issue a warrant or hear and determine any case of riot, &c. within the city.

Sec. 26. *Be it further enacted*, That no justice of the peace for the county of Mason shall have power or authority to issue warrant and hear and determine any case of a breach of the peace, riot, rout, or unlawful assembly, taking place within the City of Maysville: but all such offences shall be heard and determined before the Mason circuit court or the Mayor of the City of Maysville.

Not less than two persons shall be voted for as mayor.

Sec. 27. *Be it further enacted*, That in all elections for Mayor not less than two persons shall be voted for as such: and the two persons having the highest number of votes shall, at the first election, be certified by the sheriff of Mason county to the Governor of this commonwealth, and at the subsequent elections, by the clerk of the city council, under the direction of the councilmen, stating in the certificate the number of votes given to each, one of whom shall be commissioned by the Governor as Mayor of the City of Maysville, and submitted for the advice and consent of the Senate, as in other cases. And if for any sufficient cause the Governor shall refuse to commission a Mayor, or the Senate shall refuse to advise and consent to the person nominated as Mayor, the same shall be certified by the Secretary of State to the City Council of Maysville, who shall, in not less than ten days nor more than thirty days, cause another election to be held for Mayor, to be conducted as other elections are directed to be by this act: and the two persons having the highest number of votes shall again be certified to the Governor, who shall commission one of them as aforesaid. And in the event of the death, resignation or refusal to act of the Mayor thus elected, the board of councilmen shall immediately order another election to supply such vacancy for the residue of the term, as in the original election of said Mayor. In the like event of one or more councilmen, the board of councilmen shall direct a new election in the ward or wards in which the vacancy shall happen.

Number of votes given to the two persons having the highest number to be certified to the Governor, one of whom shall be commissioned by him as mayor, and submitted for the advice and consent of the Senate.

Another election to be held if the Governor shall refuse to commission, or Senate refuse to advise and consent, and how.

Vacancies—how filled.

Sec. 28. *Be it further enacted*, That nothing herein contained, shall be so construed as to prevent the Legislature of this Commonwealth from changing, altering, amending or repealing the whole or any part of this act.

1833.

Nothing in this act shall prevent the Legislature from repealing same.

[Approved January 31, 1833.]

CHAP. 198.—AN ACT providing for opening a road from Taylorsville, in Spencer County, to Jeffersontown, in Jefferson County, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James M. Beard, John C. Burnett, of Spencer county, James Pumroy, Samuel Frederick, of Jefferson county, be, and they are hereby, appointed commissioners to view and mark the nearest and best way for a road leading from Taylorsville in Spencer county, to Jeffersontown in Jefferson county; and said commissioners or a majority of them, shall, upon oath, make their return of said view to each of the county courts of Spencer and Jefferson counties; and said commissioners shall receive each one dollar per day for their service, one-half to be paid out of the county levy of Spencer, and the other half out of the county levy of Jefferson county.

Comm'rs appointed to view and mark out a way for the road.

And to make a return to their respective county courts.

Their compensation.

Sec. 2. *Be it further enacted*, That said county courts of Spencer and Jefferson counties severally appoint an overseer or overseers, and allot hands to each road, and shall cause the said road to be opened at least forty feet wide, under the rules and regulations prescribed in the general law concerning roads.

The county court of Jefferson and Spencer to appoint overseers and allot hands to open and keep the road in repair.

[Approved January 31, 1833.]

CHAP. 199.—AN ACT concerning the Town of Adairsville.

Whereas, heretofore, upon the motion of Robert Ewing to the county court of Logan, a town was laid off upon the lands of said Ewing, in said county, by the name of Adairsville, and owing to some neglect the plan of said town was never regularly returned and recorded, or the same never was legally and properly condemned: And whereas, many persons purchased from said Ewing in his life time, and said Ewing has died, directing by his will other lots to be sold

Recital.

1833.

by his executors, and titles to be made by them: and doubts are entertained as to the legality of said condemnation, and the titles directed to be made as aforesaid: For remedy whereof—

The town of Adairsville established.

A plan thereof to be recorded.

The executors of the proprietor authorized to make sale and conveyances of the lots therein.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That said town, as the same has been laid off into lots, streets and alleys, is hereby condemned and set apart as a town: and the plan of said town may, at any time hereafter, be recorded in the office of the county court of Logan, upon being exhibited by the executors for that purpose; and a copy of said plan, certified by the clerk of said court, shall be competent evidence of the boundaries of said town; and the executors of said Ewing who have qualified, or the survivor or survivors of them, shall have full power and authority to make sale of said lots, and convey, as well those which they may sell, as those sold by the said Ewing in his lifetime: and the conveyance, when made, shall vest as good and valid title in fee simple in the purchaser, as if the conveyance should be made by trustees duly and properly authorised to convey.

And whereas, it is represented that the citizens of said town are solicitous to have a portion of the public square sold, and its extent curtailed: Therefore—

And of a part of the public square.

Sec. 2. *Be it further enacted*, That said executors who have qualified, or the survivor or survivors of them, shall have full power and authority to sell such part of the public square as they may conceive advisable, and convey the same to the purchaser, and the same shall be valid, and the proceeds of which shall be applied as the proceeds of the sale of lots are directed to be applied by said will: *Provided*, That before any part of the public square is sold and conveyed by the executors, it shall be necessary for them to obtain from the proprietors of lots adjoining said public square their consent in writing to such sale, which writing shall be recorded in the clerk's office of the Logan county court.

Proviso.

[Approved January 31, 1833.]

CHAP. 200.—AN ACT authorising the sale of Slaves in certain cases.

Courts of equity invested with

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for any court of equity, upon the petition of all the



owners of any slave or slaves held by two or more, either in coparcenary, joint tenancy, or in common, or if any of the owners be under the age of twenty-one, upon the petition of the guardian of such infants, and the adult owners, if there be any, to order all such slaves to be sold, either on a credit or for ready money, at such time and place as the court in its discretion may direct, taking care in its order to require, when the sale is to be on a credit, the purchaser to give bond and approved security for the purchase money; and the court shall possess all necessary power, by the appointment of a commissioner and otherwise, to carry into effect any order which may be made, and the purchaser under such order shall be vested with all the right, title and claim of the owners.

1833.

the power of decreeing the sale of slaves owned by infants, or held in conjunction with infants.

With power to make all necessary orders, &c.

Sec. 2. *Be it further enacted*, That any one or more of several joint tenants, or tenants in common, of any slave or slaves, may file his, her, or their bill in equity against the other joint tenants, or tenants in common, for partition: and if, on the hearing of the cause, it shall appear to the court that partition in kind cannot be made, it shall be lawful for the court to decree a sale, and make such orders and decrees therein as may be necessary and proper for that purpose.

And also, the sale of slaves held jointly or in common, where partition cannot be made in kind.

[Approved January 31, 1833.]

CHAP. 201.—AN ACT to amend an act, entitled, An act to authorise the establishing of private passways, approved December 13, 1820.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, the county courts of this commonwealth shall be authorised to establish private passways to mills, under the same rules and regulations under which they are authorised to establish private passways to courts, elections and warehouses.

The county courts authorized to establish private passways to mills.

[Approved January 31, 1833.]

CHAP. 202.—AN ACT to establish the Louisville Bank of Kentucky.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be, and is hereby, established, in the City of Louisville, a Bank, by the name of the Louisville Bank of Ken-

The Louisville Bank established.

1833.

Capital stock.

Style of incorporation and, time of its continuance.

Corporate powers.

To hold and possess and dispose of real and personal estate.

May make by-laws, ordinances, &amp;c.

To be located in Louisville.

Authorized to loan money, bills of exchange, promissory notes, &amp;c.

tucky, with a capital stock of two millions of dollars; to be divided into shares of one hundred dollars each, and subscribed and paid for by individuals, companies or corporations, in the manner hereinafter mentioned and specified; which subscribers, shareholders, their successors and assigns, shall be, and are hereby, created a body politic and corporate, by the name and style of the President, Directors and Company of the Bank of Louisville, and shall so continue a body politic and corporate until the first day of January, one thousand eight hundred and fifty-three; and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts or places, and in all matters whatsoever, as natural persons, with full power and authority to acquire, hold, possess, use, occupy and enjoy, and the same to sell, convey and dispose of all such real estate, goods, effects and chattels, as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said bank as collateral security for, or received in payment of, any debt which may become due or owing to the same, or which may be conveyed or purchased in satisfaction of any judgment of a court of law, or any order or decree of a court of equity in their favor; and may have and use a common seal, and alter, change or renew the same at pleasure; and may make, ordain and establish, and put in execution such by-laws, ordinances, rules and regulations, as may be necessary and proper for the good government of said bank and the prudent and efficient management of its affairs: *Provided*, The same shall not be in anywise contrary to the constitution and laws of this state, or of the United States.

Sec. 2. That said bank shall have and keep an office of discount and deposite in the City of Louisville, and at no other place, where its banking business shall be transacted and its books of accounts, journals and records shall be kept; and it shall be lawful for said bank to loan money, deal in bills of exchange, checks, and promissory notes; and to discount upon banking principles and usages, bills of exchange, post notes, promissory notes and other negotiable paper, for the payment of a sum of money certain; also, to issue bills or bank notes, payable to bearer on demand, and at its office of discount and deposite; also, to draw

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*Provided*, That it shall  
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made payable to any person or persons, -  
ble and payable at the Bank of Louisville, and  
dorsed to and discounted by said bank, shall be, and  
they are hereby, placed on the same footing as for-  
eign bills of exchange, so that the like remedy may  
be had, jointly or severally, against the drawer or  
drawers, and endorser or endorsers, and with like ef-  
fect, except as to damages, and except that in a reg-  
ular course of administration they shall have no other  
or greater dignity or priority of payment than other  
promissory notes. The bank shall not, directly or in-  
directly, deal or trade in any thing except bills of ex-  
change, gold or silver bullion, or in the sale of goods  
and chattels, rights and credits, really and truly pledg-  
ed for money lent and not redeemed in due time, or  
goods which shall be the proceeds of its lands.

Sec. 3. That said bank shall not, at any time, owe,  
whether by bond, bill, note or other contract, an  
amount exceeding twice the amount of capital stock  
actually paid in, exclusive of sums due on deposite;  
and in cases of excess, the President and Directors,  
under whose administration it shall have accrued,  
shall be liable for all or any of the debts of said bank,  
in their natural and private capacities, by a joint or  
several actions of debt against them, their or any of  
their respective heirs, executors or administrators, in  
any court having jurisdiction thereof, by any creditor  
or creditors of said bank, and may be prosecuted to  
judgment and execution, any condition or agreement  
to the contrary notwithstanding: *Provided*, said bank,  
or the lands, tenements, goods, chattels and funds of  
the same be inadequate to satisfy the excess; and if  
the President or any Director shall be absent when  
the excess may be contracted or created, or being  
present shall dissent from the resolution or act by

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1833.

198

1833.

Notice thereof  
be given.

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foreign bus-  
exchange.

Exceptions.

Limitations  
and restrictions  
upon their busi-  
ness.

Not at any time  
to be indebted  
more than twice  
the amount of  
capital paid in.

In case of ex-  
cess, the Pres't  
and Directors  
made individu-  
ally responsible  
therefor.

Proviso.

## LAWS OF KENTUCKY.

1833.

Capital stock.

Style of incorporation and time of its continuance.

Corporate officers.

Payments of its notes and deposits to be made in gold or silver.

And upon failure to do so, damages to be awarded and the charter forfeited.

Eleven directors to be chosen annually by the stockholders. Their qualifications, &amp;c.

tucky, with excess is about to be contracted or created and subject they shall not be liable, under this section, or corporation they shall, within ten days from the creation and discovery thereof, make affidavit of their absence and dissent, and file the same for record, with the proper recording officer for the county or city, and shall moreover, within the said ten days, give notice thereof in one of the public newspapers printed in the City of Louisville; and said notice shall call a meeting of the shareholders, which they are hereby authorised and required to do.

Sec. 4. That said bank shall not, at any time, suspend, fail or refuse payment, in gold or silver, of any of its notes, bills or other obligations, due and payable, or any moneys received on deposit; and in case the officers, in the usual banking hours, at the office of discount and deposit of said bank, shall fail, refuse or unreasonably delay payment, in gold or silver, of any note or bill of said bank, there presented for payment, or the payment of any money previously deposited therein, and there demanded by any person or persons entitled to receive the payment of the same, said bank shall be liable to pay, as additional damages, at the rate of twelve per cent per annum on the amount thereof, from the time of such failure, refusal or delay, until the payment thereof; and for such failure or refusal, as well as for a violation of any of the provisions of this charter, the same shall be forfeited and a *scire facias* sued out in the name of the Commonwealth of Kentucky, on the motion of the Attorney for the Commonwealth or Attorney General, and such proceedings had as to declare such forfeiture by the judgment of the court; and from and after the rendition of said judgment of forfeiture, said corporation shall cease to exercise any of the powers or privileges granted in this charter: *Provided*, That such forfeiture shall not be so construed as to prevent said bank from suing and being sued and continuing said corporation for the purpose of closing its concerns and from making all contracts that may be necessary and proper for that purpose.

Sec. 5. That the real and personal estate, business, property, funds and prudential concerns of said bank, and the administration of its affairs shall be under the direction, management and control of a board of eleven Directors, who shall be stockholders three months previous to the election, after the first election, and

residents of this state, and citizens of the United States; and after the first election they shall be elected annually on the first Monday in May, by the stockholders, at such time of the day and at such place in the City of Louisville, as the President and Directors, for the time being, may prescribe. They shall hold their offices for the term of one year, and until their successors shall be chosen; and notice of every such election shall be published in at least two public newspapers printed in the City of Louisville, for at least sixty days next preceding the same, and shall be by ballot and plurality of votes, to be read in public and counted after all the ballots are taken, by and under the inspection of three stockholders under oath, and not directors at the time, and previously appointed by the President and Directors for that purpose. At every election and meeting of the stockholders, held under the provisions of this charter, each and every shareholder shall be entitled to one vote for each and every share he may hold in his own right, up to fifty, and for every five shares over fifty shares, every stockholder shall be entitled to one vote, up to one hundred; and for every twenty shares in addition, each shareholder shall be entitled to one vote; and after the first election, no share shall confer the right of suffrage which shall not have been holden by the then owner thereof, and so appear on the books of said bank, at least three calendar months previous to the election. Any stockholder not personally attending such election, or other regular meeting of the stockholders, and having a right to vote, may vote by proxy, such proxy being granted to a stockholder actually attending the election or meeting. And no Director of any other bank shall be eligible to the office of Director to this bank, notwithstanding he may be a stockholder therein; and any Director of this bank accepting an office in another bank shall be deemed to have vacated his place in this bank; nor shall two partners in trade be eligible as Directors in this bank at one and the same time. And if it shall so happen that an election of Directors shall not be made on any day, when by this act it ought to have been made, the corporation shall not for that cause be dissolved: but it shall be lawful for the stockholders to make an election of Directors on any other day that may be designated by their by-laws; and if the President, Cashier or any Director shall fail or be-

1833.

Notice thereof to be given.

Mode of conducting the elections, and regulations as to voting the stock.

Votes may be given in person or by proxy.

No director of any other bank shall be a director of this.

Two or more partners in trade shall not, at the same time, be directors.

Who disqualified from holding

1833.\*

an office there-  
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come insolvent, after his election or appointment, he shall thereby become incapable to serve in that capacity, and his place shall be supplied in the manner prescribed in the sixth section; nor shall he again be eligible until those debts be paid, and a discharge obtained; nor shall any person who may have ever failed in business, hold the office of President, Director or Cashier, unless he has paid off the debts for which he failed, or obtains an acquittal or discharge from all liability upon such debts.

Directors to  
choose a Presi-  
dent of their  
own body.

Vacancies—  
how filled.

From time to  
time to appoint  
their cashier,  
clerks and offi-  
cers, regulate  
their duties, fix  
their salaries,  
&c. take bonds  
from them.

Pres't and Di-  
rectors may  
make by-laws  
for their govern-  
ment.

To hold stated  
weekly meet-  
ings.

Sec. 6. That the Directors chosen under the provisions of this charter shall, as soon as may be after the first and every annual or other election, elect a President from their own body, who shall preside at the board until the next election; and in case of the death, absence or resignation of the President, the board shall choose a President *pro tempore*; they shall fill all vacancies which may occur in their own body, during the time for which they shall have been elected, and appoint a cashier and subordinate officers, clerks, agents and servants of said bank, fix their compensation, define their powers and prescribe their duties; and shall require of them such bonds, and in such penalties and with such conditions and sureties as they shall deem right; which bonds shall be laid monthly before the Directory, who may then, and at such other times as deemed proper, require the same to be altered or amended, and demand other and additional security; such officers shall remain during the pleasure of the board, under such regulations, restrictions and limitations, as the President and Directors for the time being may prescribe, not contrary to the provisions of this charter, and the by-laws, rules and regulations of the bank. The President and Directors, five of whom shall form a quorum, may, from time to time, make such by-laws, rules and regulations, for their own government, and for the management and disposition of the property, estate, funds and business of the bank, and all matters appertaining thereto, which they may judge expedient, not contrary to the provisions of this charter, and the by-laws, rules and regulations which the stockholders may, from time to time, prescribe at their annual or other meetings. They shall hold stated meetings at least once a week, on such day, and at such hour of the day, as they may, from time to time, appoint, and at such other times as the President shall order and direct; and a majority

shall constitute a quorum, and be competent to the transaction of any business within the scope of their powers, and connected with their official duty; and all questions before the board shall be decided *viva voce*, by a majority of those present, any two of whom may require the yeas and nays on any proposition submitted, entered and recorded on their journal of proceedings; and no vote shall be reconsidered when a less number are present than when the original vote was given. They shall, on the first Mondays of January and July, annually, make and declare such dividends, resulting from the profits of said bank, as shall not in anywise lessen the capital stock of the same, and cause such dividends to be paid on demand to the several stockholders thereof; that the cashier of said bank shall, on the first day of July, 1834, and on the same day annually thereafter, pay into the Treasury of the state twenty-five cents on each share held by the stockholders in said bank, which shall be in full of all tax or *bonus* on said bank: *Provided*, That the Legislature may increase or reduce the same; but at no time shall the tax imposed on said stock exceed fifty cents on each share held in said bank: *Provided, however*, That no dividend shall be declared of the profits of said bank until there shall be a surplus or contingent fund of twenty thousand dollars, for one million of stock paid in, and after that rate; and the contingent fund shall never be reduced below that ratio on the amount of stock paid in. And if the President and Directors of said bank shall, at any time, make any dividend of the profits or other property of the bank, by which the capital stock thereof shall in anywise be lessened or impaired, or shall by any mismanagement or neglect of duty cause any loss or deficiency of the capital stock of the bank, the Directors consenting thereto, or guilty of such mismanagement or neglect of duty, shall be jointly or severally liable in their individual capacities to any stockholder or creditor of said bank who may be injured thereby; and the President and each and every Director shall be deemed to have consented to such dividend, and been guilty of such mismanagement or neglect, unless he shall forthwith give notice of his dissent thereto, or absence from the institution, in like manner as is provided in the third section of this charter, and call a meeting of the stockholders as therein provided for.

Sec. 7. That if the cashier, or any of its officers, agents or servants of said corporation, shall embezzle,

1833.

A majority to constitute a quorum.

To vote *viva voce*.

Semi-annual dividends of the profits to be made.

Bonus to be paid to the state in lieu of a tax.

Dividends—when not to be made.

Penalty on the Pres't and Directors for a violation of this provision.

Penalty on any officer of said

1833.

bank for embezzling the funds or defrauding the bank.

and without authority from the President and Directors of said bank, appropriate any of the funds of said corporation to his own use, with intent to cheat and defraud the President, Directors and Company of said bank, or shall fail to make correct entries, or shall make false entries on the books of said bank, with the intent to defraud said bank, or any other person whatever, said officer, agent or servant of said bank, shall be held and deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of the state, for a period not less than five nor more than twenty years.

Pres't may be allowed a salary.

No compensation to be allowed the Directors except by a vote of the stockholders.

Monthly examinations of accounts to be made and recorded.

No cash'r, clerk or subordinate officer of said bank to carry on any other business:

Or to become indebted to the bank either as drawer or endorser, or vote as a proxy for directors.

Annual statements of the accounts to be submitted to the Legislature.

Sec. 8. That the said board of Directors shall allow and pay to the President of said bank, such compensation as they shall, from time to time, deem just; but no compensation, salary or reward shall be allowed to any Director for his services, unless the same shall be voted by the stockholders at some regular meeting. And it shall be the duty of the President and Directors, and they are hereby required, as often as once in every month, to cause a strict examination to be made of the accounts of the cashier, and a full and complete settlement thereof, and a statement of such examination and settlement shall be entered on the journals of the proceedings of the board. It shall not be lawful for the cashier or other subordinate officer, clerk or teller of said bank, either directly or indirectly, to engage in or carry on any other business than that of said bank, without the especial license of the President and Directors of said bank, under the penalty of five thousand dollars, to be recovered in the corporate name and for the use of said bank; nor shall the cashier or other subordinate officer, clerk or teller of said bank, either directly or indirectly, become indebted to said bank, either as a borrower, or endorser, or surety; nor shall the cashier, clerk or teller of said bank be permitted to vote at any election for Directors as the attorney, agent or proxy of any stockholder.

Sec. 9. That it shall be the duty of the President and Directors of said bank, during the first week of the session of the Legislature, each year, to transmit to the Auditor of this state an accurate and just statement of the condition of the bank, as it existed on the first day of the preceding month; which statement shall specify the amount of capital stock actually paid in, and the value of the real estate belonging to the same, together with its cost, the amount of stock (if



1833.

any) subscribed and not paid for, the total amount of debts due to and from said bank, the amount of gold and silver and other coined metal on hand, the money deposited, of bills in circulation, of bills on hand of solvent banks incorporated by this state, and of those incorporated by each of the other states; or by the United States, the number of notes in circulation of each denomination issued by the bank, the rate and amount of each dividend of profits made by the bank, with the amount of the surplus or contingent fund of said bank; which statement shall be laid before the Legislature of Kentucky, at its then session; and the Auditor shall cause the same to be published, at the expense of the bank, in a public newspaper printed at the seat of government, and in one printed in the city of Louisville.

Which shall be published by the Auditor in a newspaper.

Sec. 10. That said President and Directors shall keep a record and journal of all their proceedings, which they shall produce to the stockholders, when by them demanded at any regular meeting; and they shall be open to the inspection and examination of any three or more stockholders, holding together in their own right one hundred shares of the capital stock, at any time within thirty days of an annual election for Directors, on application to the President or cashier; and the books, papers, correspondence and funds of said bank, shall at all times be subject to the inspection of the board of Directors, or any one or more members thereof.

A record of the proceedings of the board to be kept.

To be subject to the inspection of the stockholders.

The books, papers, &c. to be open to the directors.

Sec. 11. That the certificates of deposit, bills, notes, bills of exchange, post notes or orders of said bank, signed by the president and countersigned by the cashier, promising or directing the payment of money to any person or persons, or order, or to bearer, shall be obligatory on said bank, though not under the seal thereof; and all such bills, notes, or orders, payable to order, shall be transferable and negotiable by endorsement, and those payable to bearer, on delivery. That the shares of the capital stock of said bank, shall be considered and held in law as personal property, and assignable and transferable only in such manner as the President and Directors shall prescribe. It shall not be lawful for the corporation hereby created, either directly or indirectly, to use or employ any of its capital stock, money, funds or effects in trade or business of buying and selling goods, wares and merchandize, in any way or manner whatever, save as provided for in section first.

The bills, notes, checks, &c. of said corporation payable to order or bearer not under seal, to be binding on the corporation.

Those payable to order may be transferred by endorsement, and those payable to bearer by delivery.

The shares in said bank to be considered as personal estate, &c.

1833.

Rate of interest  
on the discount  
of notes, bills  
of exchange, &c

Sec. 12. That said bank shall not contract for or receive a greater rate of interest than at the rate of six per cent. per annum, for the loan or forbearance of money; and interest on promissory notes, negotiable and payable at said bank, and there discounted, shall be calculated on the true time such notes have to run, including three days grace, and shall be paid in advance, and on banking principles, in conformity with Rowlett's tables of discount and interest.

Annual meet-  
ing of the stock-  
holders to be  
held.

The accounts  
of the bank to  
be submitted to  
them.

Sec. 13. That a general meeting of the stockholders of said bank, shall be held in the City of Louisville, on the first Monday in May, in each year, at the time and place of holding the election for Directors; to which meeting the Directors for the year immediately preceding, shall present an exact and accurate statement of the condition and affairs of said bank, and of the surplus and contingent fund, (if any,) arising from the profits thereof, after deducting losses and dividends; and general meetings of the stockholders may be held in Louisville, at any other time when ordered by the President and Directors, or by any number of stockholders their by-laws may prescribe.

Commrs ap-  
pointed to re-  
ceive subscrip-  
tions for stock  
and to superin-  
tend the first  
election of di-  
rectors.

Books, when  
and where to  
be opened.

To be kept  
open until 5000  
shares are sub-  
scribed.

Sec. 14. That John S. Snead, William Bell, James B. Danforth, Geo. Buchanan, Virgil McKnight, William Garvin, William H. Pope, H. H. Forsyth, L. L. Shreeve, William Reay, Samuel Bell, James Graham, George Keats, J. B. Bowles, Edward Crow, Nicholas B. Ford, Chapman Coleman and John D. Colmesnil, all of the City of Louisville, are hereby constituted and appointed commissiners to open and receive subscriptions for the capital stock of said bank, and to superintend the election of the first board of Directors thereof, any three of whom shall be competent to exercise the powers and perform the duties required of them by this act. They shall have power and are hereby authorised, on the second Monday in March next, or at any other time within twelve months thereafter, having given not less than thirty days notice thereof in the newspapers printed in Louisville, to open books of subscription at some suitable place or places in Louisville, for the capital stock of said bank, and to keep said books open from ten o'clock in the forenoon until four o'clock in the afternoon, for sixty days, (Sundays excepted,) or until at least five thousand shares of said stock shall have been subscribed, when the same may be closed; and if more than twenty thousand shares shall have been subscrib-

ed, the said commissioners shall deduct the amount of such excess from the largest subscriptions in such manner as that no subscription shall be reduced while one remains larger; and in case the full amount of twenty thousand shares shall not have been subscribed for at the time of closing the subscription books as aforesaid, the said books may be re-opened for subscriptions under the superintendence of the President and Directors of said bank, on the second Monday in May, in each year, or at any other time they may choose, and may be kept open from ten o'clock in the forenoon until four o'clock in the afternoon, for thirty days (Sundays excepted) at some suitable place or places in the City of Louisville, until the whole capital stock of said bank shall have been taken; the said President and Directors causing due notice of the re-opening of the books of subscription for the capital stock of said bank to be given in at least two newspapers printed in the City of Louisville; and the said commissioners, on the closing of the books of subscription, or when five thousand shares have been subscribed, shall give public notice thereof in two of the newspapers printed in Louisville; and by the same notice shall appoint the day, hour and place in said City, not less than thirty nor more than sixty days from the date of such notice, for the subscribers of said stock to meet and choose the first board of Directors for said bank, who shall continue in office until the first Monday in May succeeding their election, and until their successors are elected, at which election the said commissioners, or any three of them, shall act as judges and inspectors, and having taken the necessary oath or affirmation for that purpose, shall perform all the duties incident to judges and inspectors of elections, in other like cases.

Sec. 15. *Be it further enacted*, That it shall be lawful for the said commissioners to open, or cause to be opened, books for subscription for one half of the stock, at any place or places they may deem expedient in the United States, on the same day or days the same may be opened in the City of Louisville, and if the whole of the stock shall not be taken at the time first authorised, the President and Directors, after the said bank shall go into operation, may open books for further subscriptions, and may require such premium on the stock so to be subscribed as they shall deem just and reasonable, and such premium shall belong to, and become the funds and property of the bank.

1833.

If the stock should not be subscribed, the books may be re-opened until all the stock shall be taken.

Notice thereof to be given.

Notice to be given of the first meeting to choose directors

The comm'rs to be judges of the election,

Books for the subscription of stock may be opened in any place in the U. States.

1833.

Stock to be paid  
in gold or silver

When to be  
paid in.

No dividends to  
be made on any  
share of stock  
until all the in-  
stalments are  
paid, and six  
months thereaf-  
ter.

Certificates of  
stock to be issu-  
ed.

Shares may be  
forfeited for the  
non-payment of  
the second in-  
stalment, and  
re-sold.

And for a fail-  
ure to pay the  
3d instalment,  
no dividend  
shall be made  
to the default-  
ing subscriber.

As soon as  
\$500,000 is  
paid in the Go-  
vernor to cause  
the same to be

Sec. 16. That the payment of shares of said capital stock shall be made in gold or silver, and completed by the subscribers respectively at the times and in the manner following, to-wit: At the time of subscribing, ten dollars on each share; within ten days after the election of the first Directors, the further sum of twenty dollars on each share; in ninety days from such election of Directors, the sum of twenty dollars on each share; and the balance due on each share shall be made in payments of twenty-five dollars in three months, and twenty-five dollars in six months thereafter: but any subscriber may, at his own option, pay the full amount of his subscription at any time. And all subsequent subscriptions for said stock shall be paid as follows: Twenty-five dollars at the time of subscribing, and twenty-five dollars in sixty days, twenty-five dollars in ninety days, and twenty-five dollars in one hundred and twenty days after the time of subscription: but no dividend shall be awarded on any share subscribed for after the first election of Directors, until six months shall have expired after the same has been fully paid; and when any stock shall be fully paid, the President and Directors shall issue scrip to the owner thereof, in such form as the stockholders may have prescribed. But if any subscriber shall fail to make the second payment of twenty dollars on each share, at the time the same shall be payable, as hereinbefore required, such subscriber shall forfeit to the said company the sum of ten dollars before paid; and such shares shall thereafter be liable to be re-sold by the President and Directors, as other unsubscribed stock; and if there shall be a failure in any of the subsequent payments for any of the capital stock, after thirty dollars shall have been paid on each share, the subscriber so failing, shall be entitled to no dividend, until his stock is fully paid up; and if any subsequent subscribers for stock mentioned in this section, after having paid twenty-five dollars at the time of subscribing, fails to pay the second instalment of twenty-five dollars, when due, he or they shall forfeit ten dollars of the twenty-five dollars paid, and his shares shall be liable to be re-sold as other unsubscribed stock.

Sec. 17. That so soon as five hundred thousand dollars of the capital stock shall have been paid in gold and silver and in notes of the Bank of the United States, of which two hundred thousand dollars shall be in gold or silver, the President and Directors shall

cause, the Governor of this state to be notified thereof, who is hereby authorised to appoint some suitable person to examine and count the money so paid, and actually existing in the hands of the Directors of said bank, as such capital stock; whose duty it shall be, at the expense of the bank, to make such examination and count, and ascertain, by the oath of the President and at least six of the Directors, that said money has been actually paid in, *bona fide*, as part of the capital stock of the bank, and forthwith to make due return thereof to the Governor, who, on the sum of five hundred thousand dollars appearing to have been actually paid in, as part of the capital stock of said bank, in gold and silver, and in notes on the Bank of the United States, of which at least two hundred thousand dollars shall be in gold or silver, and the residue in notes of the Bank of the United States, shall cause proclamation to be made to that effect, and published in one of the newspapers printed in Frankfort and one printed in Louisville, at the expense of the bank; and on the first publication of such proclamation, it shall be lawful for said bank to commence its business operations as a banking institution, and not before.

Sec. 18. *Be it further enacted*, That the President, Directors, Cashier, Clerk and Teller, previous to entering on the duties of their several offices, shall take an oath before some justice of the peace of the county of Jefferson, faithfully and honestly to discharge the duties of their several offices and stations created by this charter, or which may be required by the by-laws of said corporation; and, furthermore, that they will not, during their continuance in office, sanction or permit any of the provisions of this charter to be violated, if in their power to prevent it; and, further, should any such violation of this charter be committed by the President and Directors, or any of them, that they will immediately communicate the fact of such violation to the Attorney for the Commonwealth or Attorney General, whose duty it shall be to sue out a *scire facias* for a forfeiture of the same. \*

Sec. 19. *Be it further enacted*, That the Commonwealth of Kentucky shall have power, at any time within five years from and after the passage of this act, to add to the capital stock of said bank any amount of shares not exceeding five thousand, and to cause the same to be subscribed and taken on behalf of the commonwealth; and upon the stock or any part

1833.

counted, and a proclamation thereof to be made, and the bank authorized to commence its operations.

The officers of said bank to take an oath of office.

The purport of the oath.

Five thousand shares reserved for subscription by the Com'lth.

1833.

thereof being so subscribed and paid for, the commonwealth shall have all the rights, privileges and benefits, which are vested in the stockholders, and no more. And the stock of the state shall be voted upon by any person authorised by law.

No loans to be made on a pledge of stock or real estate.

Sec. 20. *Be it further enacted*, That no loan shall be made by said bank, or note or bill purchased on the pledge of the stock of said bank, in any event whatever; nor shall said bank loan money or purchase bills on the pledge of real estate to the bank.

Real estate purchased by said bank under judgments or decrees, to be sold within five years under penalty of forfeiture.

Sec. 21. *Be it further enacted*, That real estate purchased by the bank under judgments or decrees in its favor, or under judgments or decrees of others, when it shall be necessary to purchase the estate, in order to secure the payment of some debt due the bank, shall be sold by the bank within five years from the time the estate shall have been fully acquired as aforesaid: and if not sold in that time, it shall be forfeited to the commonwealth, and be vested without office found.

Aliens not entitled to vote for directors.

Sec. 22. *Be it further enacted*, That aliens, who may hold stock in said bank, shall not have the right to vote for Directors in said bank, directly or indirectly, or have any management of, or control over, said institution.

A quarterly report of all debts above \$1000 with the names of drawers, endorsers or securities to be made out and subject to the inspection of the stockholders

Sec. 23. That it shall be the duty of the cashier of said bank to make, quarterly, on the first day of January, April, July and October, a complete memorandum, in alphabetical order, of all the debts due said bank above one thousand dollars, setting out the amount due by each individual, with the names of the endorsers and other security: which memorandum shall, at all times, be open to the examination of any stockholder or stockholders owning one hundred or more shares of the stock in his or their own right.

No director to serve more than two years in succession.

Sec. 24. That no person shall be eligible to serve as a Director in said bank more than two years in succession, except the president, who shall at all times be eligible to re-election.

Each President and Director to be the owner of at least twenty-five shares.

Sec. 25. That no person shall be eligible as President or Director in said bank, who does not own twenty-five shares of the stock in his own right.

General Court to determine questions of forfeiture.

Sec. 26. That the general court of this commonwealth shall have jurisdiction, on motion of the attorney general, to issue a *scire facias* against the President and Directors of said bank, and hear and determine all questions of a forfeiture of this charter.

Sec. 27. That no stockholder shall pay any debt he may owe the bank by a surrender of his stock to the bank, until all the corporate debts are paid, and stockholders shall be compelled to pay their debts to said bank as other individuals.

1833.

Stock not to be received in payment of debts, till all the debts due by the bank are paid.

Sec. 28. That it shall not be lawful for said bank to issue any note, bill, or to loan money, after it shall have failed to redeem its bills or notes in specie: and if the said institution shall presume to do so, the bond, note, or other instrument, or promise made to the said bank in consideration of such promise, shall be utterly void.

After a failure to redeem its notes and bills in specie, not to issue any more.

Sec. 29. That after the bank shall commence discounting notes, that all sum or sums of money paid into said bank, by stockholders, shall not go as part of their stock subscriptions, until all debts due by them to said bank shall be first paid off and discharged.

After discounts are commenced all sums paid in by stockholders shall not go as their stock subscriptions until their debts are paid off.

[Approved February 2, 1833.]

CHAP. 203.—AN ACT to authorise an additional subscription on behalf of the Commonwealth, in the capital or joint stock of "the Maysville, Washington, Paris and Lexington Turnpike Road Company," and to amend the several acts incorporating said company.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the capital stock of the Maysville, Washington, Paris and Lexington Turnpike Road Company may be four hundred thousand dollars.

Capital stock increased.

Sec. 2. *Be it further enacted,* That the Governor of Kentucky be, and he is hereby, authorised and directed to subscribe for and on behalf of the Commonwealth of Kentucky, the additional number of five hundred shares in the said capital stock of the Maysville, Washington, Paris and Lexington Turnpike Road Company: *Provided,* That the President and Directors of said company shall subscribe, or procure to be subscribed for, on account of the individual and corporate stockholders, not including or embracing the commonwealth, in the capital stock of said company, seven hundred shares in addition to the stock now subscribed in said company; and the certificate of said President, presented to the Governor, that said seven hundred additional shares have been subscribed in said company, shall be evidence of that fact, and sufficient authority for the Governor to subscribe the

Governor to subscribe stock on behalf of the state.

Upon additional stock being subscribed by individuals.

1833. aforesaid five hundred shares in said company for, and on behalf of, the commonwealth.

Subscriptions—  
how paid.

Sec. 3. *Be it further enacted*, That when all, or any of the amount whatever, of the aforesaid seven hundred shares, shall be paid into the treasury of said company, the Commonwealth of Kentucky shall also pay to the President or Treasurer of said company, a sum in the proportion of fifty dollars for every seventy dollars of the sum paid as aforesaid on the said seven hundred shares: and the certificate of the President of said company, presented to the Treasurer of the Commonwealth of Kentucky, of the amount of said seven hundred shares paid into the treasury of the said company as aforesaid, shall be evidence of such payment.

Company may  
borrow money.

Sec. 4. *Be it further enacted*, That said President and Directors of the Maysville, Washington, Paris and Lexington Turnpike Road Company, shall have power, and shall and may be lawful for said President and Directors, to borrow the sum of seventy thousand dollars, or any part thereof, at an interest not exceeding six per centum per annum, to be applied to the completion of said turnpike road, or to the payment of said seven hundred shares required by this act to be subscribed on the part of said *President and Directors*. And in order to enable said President and Directors to borrow said sum of money, they are hereby authorised and empowered to pledge or mortgage the stock in the said turnpike road now subscribed, and hereafter to be subscribed, in said company, for the re-payment of said money and the accruing interest thereon: *Provided, however*, That if the sale of the stock in said road, or any part thereof, should be sold under any pledge or mortgage made by said President and Directors in virtue of this act, the stock of the individual or private stockholders in said road shall be first sold, for the re-payment of said money borrowed as aforesaid under this act.

And pledge the  
stock for pay-  
ment.

Proviso.

May hold land  
at each gate.

Sec. 5. *Be it further enacted*, That when the said turnpike road, or any five miles thereof, shall be completed, so that a gate is necessary, the said President and Directors may contract for, receive, purchase, and hold to them and their successors, for them and said company, any quantity of land not exceeding one-half acre at the site of any toll-gate erected on said road: and if they cannot agree for such quantity of land with the owner thereof, for the purpose aforesaid, they may sue out from the county court of the county



In which such land may lay, a writ of *ad quod damnum*, and proceed thereon in the same manner, and according to the same provisions, directed in the act of incorporation of said company, as to land over which said turnpike road passes: and upon payment of the damages assessed by virtue of such writ, the said land shall be vested in the said President and Directors, and their successors, for the use aforesaid: *Provided*, That the dwelling-house, out-house, yard, garden, or orchard, or any part thereof, of any person whatever, shall not be condemned to the use of the said President and Directors by this act; nor shall said half acre of land be so located as to prevent the access of the owner or occupier of the adjoining land from access to said turnpike road.

1833.

Provide.

[Approved February 2, 1833.]

CHAP. 204.—AN ACT to amend and continue in force an act to Incorporate the City of Louisville.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the first, third, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third and twenty-fifth sections of the act, approved the 13th day of February, 1828, entitled, an act to incorporate the City of Louisville, and the first, second, third and fifth sections of an act, entitled, an act to amend an act to incorporate the City of Louisville, approved December 23d, 1831, shall be, and the same are hereby, revived and continued in force, with the limitations and restrictions, and with the powers hereinafter enacted; and that the present Mayor and Council of the City of Louisville shall hold their respective offices until the second Monday in March next, and until their successors shall be elected and qualified.

Former laws revived and continued.

Mayor and Council to continue in office.

Sec. 2. *Be it further enacted*, That the boundary of the City of Louisville shall be hereafter limited by commencing in the centre of the stone bridge across Beargrass, on the Louisville and Shelbyville turnpike, and running thence on a straight line to Geiger's ferry landing, on the Ohio river, opposite Jeffersonville, and thence down the Ohio river, so as to include Corn Island and the stone quarry around the same, to the

Boundary of the city.

1833.

upper line of Shippingport, and thence with that line to its Southern termination, and thence on a straight line to the intersection of the Salt river road with the Louisville and Portland turnpike, below the brick house on the South side of said road, built by Robert Todd, R. S., and thence with the Salt river road to a point on said road which will be intersected by the Southern line of Louisville, when extended to said road, and thence with that extended line, continued Eastwardly, to Beargrass creek, and thence down the middle of Beargrass creek to the centre of the stone bridge aforesaid.

Mayor and  
Councilmen to  
be elected.

Their qualifica-  
tions.

The voters in  
wards.

Mayor to be  
commissioned  
by the Governor

Sec. 3. *Be it further enacted*, That the fiscal, prudential and municipal concerns of the City of Louisville, with the government and control thereof, shall be vested in one principal officer, to be styled the Mayor, and in one council, to be styled the Board of Councilmen, who shall be elected on the first Monday in March next, and on the same day in each succeeding year, by the free white male resident inhabitants of said City, who shall have resided therein for the space of one year next preceding the election at which they claim to vote, and who are citizens of the United States, and have attained the age of twenty-one years, and who actually reside in the ward where they claim to vote. The elections shall be held in the several wards at such place as the Mayor and Council shall, from time to time, designate; and the persons entitled to vote in each ward shall elect two councilmen to represent the ward, and shall vote for some competent and qualified person as Mayor, and the Mayor and Council shall hold their respective offices for one year and until their successors shall be elected and qualified. If two persons or more shall be voted for as Mayor, the two having the highest number of votes shall be returned by the Mayor and Council, for the time being, with the number of votes given to each, to the Governor of this Commonwealth, one of whom, with the advice of the Senate, he shall commission as Mayor of the City of Louisville, until his successor shall be elected, commissioned and qualified, if he shall so long be of good behaviour; and if the Senate be not in session, his commission shall expire at the end of the next session of the Legislature, if he be not nominated and commissioned by the Senate: but if but one person shall be voted for, as Mayor, by the citizens of Louisville, then

the Mayor and Council shall certify that fact to the Governor, with the name of the person so voted for as Mayor, and shall recommend to the Governor some other competent and qualified person to act as Mayor, one of whom the Governor shall, in like manner, commission as Mayor of the City of Louisville: but if the Governor shall refuse to nominate or commission one of the two persons, so recommended to him, or the Senate shall refuse to confirm the same, the fact shall be certified by the Secretary of State to the Mayor and Council of the City of Louisville, who shall return the Governor two other competent and qualified persons, one of whom he shall, in like manner, commission as Mayor of the City of Louisville; and if the Mayor should die, resign or remove from the City, whereby the office should become vacant, the council, for the time being, shall certify the fact to the Governor, with the names of two competent and qualified persons, to fill the vacancy, one of whom he shall, in like manner, commission as Mayor of the City of Louisville, until the election and qualification of a successor. If a vacancy shall arise in the council, from the death, resignation or removal of any member from the ward from which he was elected, the Mayor and residue of the council shall supply the vacancy by the choice of a competent and qualified person, until the election and qualification of a successor, at the next annual election. The Mayor and Council shall, before each annual election, appoint three competent inspectors in each ward, whose duty it shall be to hold the ward elections, and see that no person shall exercise the right of suffrage who is not entitled; and they shall take an oath to discharge the duty, to the best of their skill and abilities; and shall make a fair record of the votes given to each person as Mayor, and each person as councilmen, and shall certify and return the same, under their hands, to the Mayor and Council, for the time being, and the clerk shall give notice to the two persons in each ward who shall have the highest number of votes, that they are elected councilmen for the ensuing year. And the Mayor and Council shall have full power and authority to hear and determine the validity of all elections authorised by this charter, under such rules and regulations as they may prescribe, and may, in their discretion, declare an election void, and order a new election, or they may declare that the next candidate who

1833.

If the Governor refuses to nominate or the Senate to advise the appointment of Mayor, fact to be certified to city officers.

Vacancies in the office of Mayor or Council, how filled.

Inspectors of elections.

Validity of elections—how decided.

1833. had the highest number of votes, duly elected. The Mayor and Council shall pay the expenses of the City elections, and the State and Congressional elections, within the City, out of the City funds.

Expenses of elections—how paid.

Limits of wards

Sec. 4. *Be it further enacted*, That the limits of the present wards shall continue until the same shall be altered by the Mayor and Council, who shall have power and authority, from time to time, to alter the same, so as to equalize the number of qualified voters in each, as near as may be: but no such alteration shall be made, except a general census of all the qualified voters be first taken for that purpose.

Majority of city council must concur to buy or sell real estate.

Proviso.

Sec. 5. *Be it further enacted*, That the Mayor and Council of the City of Louisville shall not exercise the powers conferred to purchase or sell real estate, to borrow money, or to appropriate the same, unless a majority of all the council elected, considering the Mayor as one, shall concur: *Provided*, That the majority of a competent council for the transaction of business may appropriate money for the payment of the salaries of officers as fixed by ordinance: and the Mayor and Council shall have power and authority to purchase, and hold to them and their successors, one or two parcels of land without the city for burial grounds, not exceeding fifty acres each.

Powers to pave streets, &c. extended to the limits of the city

City taxes.

Sec. 6. *Be it further enacted*, That all the powers of grading streets and alleys, or paving the same, and of paving the side-walks, and digging and walling wells, shall be extended to the limits of the city: and instead of forty cents on the hundred dollars worth of property assessed for taxation, fifty cents may be levied for taxation: and instead of classing the stores first, second and third rate, merchandize may be valued on the principles that merchandize is directed to be given in for the state revenue, or they may class said stores, first, second, third and fourth rate, and levy and collect a tax on stores of the first rate not exceeding one hundred dollars, and on second, third and fourth rate, such less sum as the Mayor and Council may deem equitable according to the rate of the store. No license for retailing spirituous, malt or fermented liquors, singly or in conjunction with other privileges, shall be granted for a less sum than forty dollars per annum, payable in advance; and no such license shall be granted to free persons of color; nor shall any person be allowed to keep a house for the entertainment of travellers and others, for profit, under the pretence

of keeping private entertainment, without taking out a tavern license: and the Mayor and Council shall be restrained from licensing and taxing lottery offices.

1833.

Sec. 7. *Be it further enacted*, That the Mayor shall have the same power and authority, within the city, to bind out orphan children, and the children of persons who are not able, or, from their habits and character, are not likely to bring them up in honest courses, that the county court of Jefferson is now vested with, and the like power to hear and determine the complaints of apprentices bound out by him, that the said court is vested with, and to afford the like remedy, and he may contract for additional advantages in favor of apprentices bound out by him.

Orphans may be bound, &c.

Sec. 8. *Be it further enacted*, That no justice of the peace for the county of Jefferson shall have power or authority to issue a warrant, and hear and determine any case of a breach of the peace, a riot, rout, or unlawful assembly, taking place within the City of Louisville: but all such offences shall be heard and determined before the Jefferson circuit court, or the Mayor of the City of Louisville.

Justices are not to have jurisdiction of riots, &c in the city.

Sec. 9. *Be it further enacted*, That all the power and authority vested in justices of the peace and the county courts, by an act approved twenty-third of February, eighteen hundred and eight, in relation to free negroes and mulattoes, shall and may be exercised by the Mayor within the city limits, and he is hereby authorised and empowered to enforce the said act.

Jurisdiction of Mayor as to free negroes.

Sec. 10. *Be it further enacted*, That the Mayor and Council shall, from time to time, have power and authority to select one or two magistrates of the county of Jefferson to preside with the Mayor, and to discharge, in conjunction with him, the judicial powers conferred by this charter, and, in the sickness or absence of the Mayor, to discharge said duties; and the justice or justices so, from time to time, selected, are authorised and empowered to preside with the Mayor, and assist in the discharge of his duties, and, in his sickness or absence, discharge said duties without him; the Mayor and Council may make to such justice or justices a reasonable compensation.

Mayor and council may select two justices to exercise judicial powers.

Sec. 11. *Be it further enacted*, That the Mayor and Council shall not exercise the power of remitting fines assessed under the provisions of this charter.

Not to remit fines.

Sec. 12. *Be it further enacted*, That no person or persons shall, within the City of Louisville, or within

Ball alleys, &c prohibited.

1833.

one-half mile of its Southern boundary, continue, establish, or keep any ball-alley, ninepin alley, roleyboley, shuffleboard, bagatelle table, or any other table or alley played with balls or pins, under the penalty of fifty dollars for each day they may be kept or continued: and the Mayor and Council shall not exercise the right of taxing and licensing any such establishments; the above penalties shall be held and construed conditional to the fines already imposed.

Penalty on the owners of slaves who fail to support them in the city.

Sec. 13. *Be it further enacted*, That any person or persons who shall suffer or permit his, her or their slave or slaves to be within the City of Louisville, and make no provision for their support and maintenance in their old age, or in their infirmities, each and every such person shall be liable to the City of Louisville for double the amount expended by the city authorities in the maintenance and administering to the infirmities of any such slave or slaves; and on petition to the judge of the Jefferson circuit court, by the City of Louisville, and ten days notice in writing to the owner or owners, said judge shall have power and authority, if the owner lives within the City of Louisville, to make all proper orders on the owner or owners for the maintenance of such old or infirm slave or slaves, and enforce the same by attachment or otherwise: and if the owner or owners reside out of Louisville, for the removal of such old or infirm slave or slaves out of the City of Louisville, and to enforce the same in like manner.

Cisterns to be constructed.

Sec. 14. *Be it further enacted*, That the Mayor and Council shall have full power and authority to cause cisterns to be constructed, to furnish a supply of water, for the extinguishment of fire, at each cross-street or at every other cross-street, within the City, at the cost and expense of the owners of lots and parts of lots to be benefitted by the respective cisterns, and to be assessed, apportioned and levied by the Mayor and Council on such lots and parts of lots as the Mayor and Council shall deem benefitted by such cisterns, and to be collected by the City Collector as other taxes.

Vagrants.

Sec. 15. *Be it further enacted*, That the Mayor of Louisville shall be, and he is hereby, vested with all the authority, power and jurisdiction, within the bounds of the City of Louisville, that is now vested in justices of the peace and county courts, to cause vagrants to be apprehended and tried for vagrancy;

and any person or persons convicted of vagrancy before the Mayor, by the verdict of a jury, shall be sentenced to confinement at hard labor in the City work-house, or on the streets of the City, as the Mayor and Council shall direct, for a period of time not less than six months nor more than twelve months, to be ascertained and fixed by the jury finding such person guilty of vagrancy.

1833.

Sec. 16. *Be it further enacted*, That tavern keepers, and the owners and keepers of other licensed houses, within the City of Louisville, shall, in addition to the fines and penalties now imposed by law, for suffering and permitting unlawful gaming within their houses or on their premises, be liable to a penalty of fifty dollars for each and every offence, recoverable in the name of the City of Louisville, before the Mayor of the City or any justice of the peace, in the same manner that debts of that amount are recoverable. Unlawful gaming.

Sec. 17. *Be it further enacted*, That the Mayor and Council of the City of Louisville shall have as full and complete jurisdiction over all that part of the county of Jefferson, extending one half mile South of the Southern line of said City, that they now have within the City limits, except the power of taxing the real and personal estate therein. Jurisdiction over one-half mile along the southern boundary.

Sec. 18. *Be it further enacted*, That the fines, penalties and forfeitures assessed by the judgment of the Jefferson circuit court, for offences committed or forfeitures incurred within the City of Louisville, shall be for the benefit of the public schools of said City; and if paid in court or collected by the Sheriff or other officer, shall be handed over to the Commonwealth's Attorney, without charge, and by him repaid over to the Treasurer of the City of Louisville, without charge, once in every three months, or oftener, if required: but nothing herein contained shall deprive any informer or Commonwealth's Attorney of any proportion of such fines and penalties that they are now entitled to by law, and all the fines, penalties and forfeitures assessed by judgment before the Mayor or any justice of the peace for any offence of commission or omission arising within the City of Louisville, under the laws of this state or the ordinances of Louisville, shall be for the benefit of the public schools of said City, and shall be paid over, once in every three months, by the officer receiving or collecting the same Fines and forfeitures, and how applied.

1833. to the Treasurer of the City of Louisville, and often-  
er, if required.

Mayor to de-  
cide on penal  
laws when the  
fine is under  
\$ 0.

Sec. 19. *Be it further enacted*, That the Mayor of Louisville shall have power and authority to hear and determine all cases of a breach of the penal laws of this Commonwealth, arising within the City of Louisville, where the penalty does not exceed fifty dollars.

Certain expen-  
ses to be paid  
by the county  
and city jointly

Sec. 20. *Be it further enacted*, That from and after the passage of this act, all appropriations which shall or may be made by the county court of Jefferson county, for *ex officio* services of the sheriff, clerk and other officers of said county, salary of the county attorney, physician for the jail, and all repairs made to the court-house, clerk's office, jail and all other public buildings belonging to said county, situated within the limits of the City of Louisville, shall be paid in equal parts by the said county and City: that is to say, that part of the county of Jefferson not included within the City limits shall pay one half of said appropriation, and that part which is included in said limits, the other half. And it shall be the duty of the Mayor and Council of said City to levy and, from time to time, collect a sufficient amount to defray such portion of all such appropriations: *Provided*, That the nineteenth section of this act shall have no force and effect, if the City of Louisville shall elect, at any time during the year 1833, to take the public property, and keep and maintain an ample court-house, jail and clerk's office in constant repair, at its own cost and charge, for the use of the City of Louisville and county of Jefferson: which election shall be made by ordinance, to be offered and tendered to the county court of Jefferson, in open court, and there recorded, and which, when so done, shall vest the control and jurisdiction of the court-house, and lots on which it stands, and the lots on which the jail is now situated, in the Mayor and Council of the City of Louisville.

[Approved February 1, 1833.]

CHAP. 205.—AN ACT to incorporate the Louisville Hotel Company.

Recital,

Whereas, Garnett Duncan and others have associated themselves, for the purpose of erecting a large and convenient Hotel in the City of Louisville: And whereas, divers persons have subscribed for stock in said building, at the rate of one thousand dollars for



each share, and have appointed a building committee, who have actually commenced said building; And whereas, the said stockholders have found that an act of incorporation is material for the success of the undertaking, and the convenience of the stockholders, and have requested of the General Assembly of Kentucky an appropriate act of incorporation: Therefore,

1833.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company shall be, and the same is hereby established, to be denominated "The Louisville Hotel Company."

Company incorporated.

Sec. 2. The capital stock of said company shall consist of two hundred thousand dollars, to be divided into two hundred shares of one thousand dollars each, to be subscribed for as hereinafter directed.

Capital and number of shares.

Sec. 3. The subscribers to said company, their successors and assigns, shall be, and are hereby made, a corporation and body politic, in law and in fact, by the name and style of "The Louisville Hotel Company," and shall so continue until the first day of January, one thousand nine hundred; and by the name and style aforesaid they shall be, and are hereby made, able and capable in law to contract and be contracted with, to have, possess, enjoy, and retain, to themselves and their successors, lands, rents, tenements, hereditaments, goods, chattels, and effects, as may be necessary and convenient for the erection and furnishing a hotel, and the requisite appendant buildings to such an establishment: and should there at any time be any rooms in said hotel, or appendant buildings, not required for the use of the hotel, they may sell or lease the same, and the same to sell, grant, alien demise and dispose of: to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record or any other place: and also to make, have, and use a common seal, and the same to break, alter, and amend at pleasure: and also to ordain, establish, and put in execution, such by-laws, ordinances and regulations, as shall seem necessary and convenient for the government of said corporation, not being contrary to law and this act, and generally to do and execute all and singular such acts, matters and things, that a corporation for particular purposes may rightfully do.

Powers of the company.

Sec. 4. For conducting the affairs of said corporation, there shall be a President and four Directors chosen annually by the stockholders, at a general

Officers to be chosen.

1833.

meeting to be held in Louisville on the first Monday in January in each and every year, at some place to be designated by the by-laws: *Provided*, That the first election of President and Directors shall not be included in the said regulation, but shall be held at a time and in the manner hereafter pointed out by this act: *And provided also*, That in case it shall happen that an election of Directors should not be made upon any day, when pursuant to this act it might have been done, the said corporation shall not for that cause be dissolved, but it shall be lawful on any other day to hold and make an election of President and Directors, in such manner as shall be regulated by the by-laws of said corporation; and the former President and Directors shall continue in office until such new election shall be made; and in case of the death, resignation, or absence from the state, of the President or any Director, his place shall be filled by some person elected by the majority of the remaining members of the board.

Agents, officers,  
&c. to be appointed.

Sec. 5. The President and Directors shall have power to appoint agents, officers and servants under them, for executing the business of the corporation, removable at pleasure, and to allow them such compensation as shall be reasonable: and said President and Directors, for the time being, may make, revise, alter or annul, such rules, orders, by-laws and regulations for the government of said corporation, its agents, officers and servants, as they or a majority of them, from time to time, shall deem expedient: *Provided*, That no such rule or by-law shall be inconsistent with the laws of the land, or with this act.

No. of votes.

Sec. 6. In all elections, each share shall entitle the owner to one vote; none but a stockholder shall be eligible as a Director or President, and every President and Director shall vacate his office by ceasing to be a stockholder: and in all elections the stockholders may vote in person or by attorney.

No. of officers  
to form a board

Sec. 7. It shall require three Directors, or the President and two Directors, to form a board; and no compensation shall be given to the President and Directors, unless it shall be allowed by the stockholders at their general meeting.

Company not  
to hold land out  
of the city.

Sec. 8. The said corporation shall not be allowed to hold any real estate which does not lie within the present boundaries of the City of Louisville, and such

other land as may be in good faith mortgaged or conveyed in trust by way of security.

1833.

Sec. 9. The stock in said company shall be assignable only on the books of said company, and shall, to all intents and purposes, be considered personal estate.

Stock assignable.

Sec. 10. The President and Directors shall, from time to time, make such dividends arising from the rents and profits of the corporation as they may think proper; and it shall be lawful for them to effect insurance on their hotel, or any other house or property that may belong to said corporation.

Dividends to be declared.

Sec. 11. To carry into effect this corporation, Samuel Bell, Ariss Throckmorton, John O'Beirne, Thomas Anderson, John F. Anderson, Benjamin Cawthorn and Thomas Shreve, are appointed commissioners, who; or a majority of whom, shall, on the second Tuesday of February or March next, open books for the subscription of stock in said corporation, at the Union Hall Tavern in the City of Louisville, which books shall be kept open for one week, unless the whole of said stock shall, in a less time, be subscribed; and if it shall appear that thirty-five shares or more shall be taken, in that case the stockholders, who may have so subscribed for shares, shall meet at the Union Hall Tavern on the fourth Tuesday in January next, or at such other time as may be designated by said commissioners, and under the supervision of said commissioners, or a majority of them, proceed to elect by ballot a President and four Directors, to serve until their successors shall be duly elected under the provisions of this act: and the person having the highest number of votes for President shall be duly elected: and the four persons having the highest number of votes for Directors shall be duly elected. And the President and Directors so elected shall meet at some convenient day thereafter, to be appointed by them, and organise their board by the appointment of a Secretary, who shall keep a record of all the proceedings of the board; and by the appointment of a Treasurer, from whom they may take a bond for the faithful discharge of his duties: both of whom shall be removable at the pleasure of the board.

Comm'rs to open books for subscription of stock.

First election.

What officers to be appointed

Sec. 12. It shall be lawful for said board of President and Directors to take and receive, at cost, from the private Hotel Company, mentioned in the preamble to this act, which has already commenced in Louisville a large hotel on Main street, between Sixth and

Company may receive a hotel already commenced.

1833.

Seventh streets, a conveyance for the estate, land, materials and contracts for work, which have heretofore been made, subject to all the obligations of said private company, and to give credit to each shareholder on his stock for the sum or sums which he or she may have paid to said private company for stock therein.

Company may  
make calls on  
the stock.

May forfeit  
stock.

Proviso.

Sec. 13. It shall be lawful for said President and Directors to make such call or calls, from time to time, on said stock as they may require to complete said hotel, which calls shall be paid to the Treasurer of the company; and if any stockholder shall fail to pay such call or calls, it shall be lawful for the President and Directors to forfeit, for the use of this corporation, the sum or sums which may have been paid on such share: *Provided, however,* That no call shall be made without giving at least two weeks notice of the time of payment, in all the public papers printed in Louisville: *And provided, moreover,* That after the full amount of each share shall have been paid, the board shall not have a right to make any further calls without the consent of a majority of the stockholders, at one of their annual meetings.

Further sub-  
scriptions may  
be allowed.

Sec. 14. It shall be lawful for the President and Directors to open their books, at such time and such way as they may think proper, for further subscriptions of stock, not to exceed in all two hundred shares, subject to such rules and regulations as they may prescribe.

May borrow  
money.

Sec. 15. It shall be lawful for the President and Directors, after the full amount of the stock which may be subscribed for as aforesaid, during the first week of opening the books for subscription as aforesaid, shall be fully paid, to borrow any sum of money which may be deemed necessary to complete and furnish said hotel, not to exceed \$50,000, and to pledge the effects of said corporation for the payment thereof.

Company, how  
sued or bound.

Sec. 16. In all suits instituted against this corporation, service of the process on the President and Secretary shall entitle the plaintiff to judgment by default at the first term, if they shall fail to appear and answer to such suit; and it shall not, in all cases, be necessary to shew a contract, under the seal of the corporation to maintain suit against them, but on the contrary, said corporation shall be bound by any written contract, signed by the President and attested by the Secretary, or by any written contract, or parol contract expressed or implied, which may be made

by any of their agents or superintendents, in the name of said corporation: *Provided*, such parol or written contract shall be within the fair meaning of the power or authority granted or delegated to such agent or superintendent. 1833.

Proviso.

Sec. 17. After said corporation shall be organized, as aforesaid, and after they shall have obtained the appropriate conveyance from the trustees of said private company, for the trustees of said private company of the said hotel, which has been commenced, together with their materials and the assignments of their contracts, it shall be lawful for said corporation to sue in a court of law or chancery for a violation of any such contracts; and it shall be lawful for any person having demands against said private company to sue said corporation for such demand, either in a court of law or chancery: but nothing herein shall be construed as tending to impair the liability of said private company for all their contracts. Company may sue or be sued.

[Approved February 1, 1833.]

CHAP. 206.—AN ACT to incorporate a Rail Road Company from Bardstown to Louisville.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Thomas Hite, Daniel S. Howell, Samuel T. Beal, Charles McMannus, Wilson Bowman, George W. Hite, John R. Bean, Peter Sweets, Nathaniel P. Sanders, Thomas Joyce, Abraham Field, John J. Jacob, William Bell, D. Meriwether, Benjamin Cawthorn, Charles Nourse and William Burke be, and they are hereby, appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Bardstown and Louisville Rail Road Company, hereby incorporated; and they, or a majority of them, may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, after having given notice of such times and places of opening the same as they may deem proper; and that after the first opening of said books, they shall be kept open for at least five successive days, from ten o'clock, A. M. until two o'clock, P. M.; and if, at the expiration of that period, such a subscription to the capital stock of said company as is neces- Comm'rs appointed to receive subscriptions for stock. Notice thereof to be given.

1833.

Books may be kept open until the whole stock is taken and subscribed.

Vacancies in the board of comm'rs—how filled.

Amount of capital stock.

The subscription of 1000 shares necessary to secure this act of incorporation.

The subscribers incorporated.

Style, and their general powers.

If more shares are subscribed for than authorized by this act, the number to be reduced.

One dollar on each share to be paid at the time of subscribing.

sary to its incorporation shall not have been obtained, the said commissioners, or a majority of them, may cause the said books to be opened, from time to time, after the expiration of said five days, for the space of twelve months thereafter, or until the sum necessary to the incorporation to the said company shall be subscribed, if not sooner subscribed. And if any of the commissioners shall die, resign or refuse to act, during the continuance of the duties devolved upon them by this act, another may be appointed in his stead, by the remaining commissioners, or a majority of them.

Sec. 2. *Be it further enacted*, That the capital stock of the said Bardstown and Louisville Rail Road Company shall be three hundred and fifty thousand dollars, in shares of one hundred dollars each, which may be subscribed for by any individual or corporation; and as soon as one thousand shares of the said capital stock shall be subscribed, the subscribers of said stock, their successors and assigns, shall be, and they are hereby, declared to be incorporated into a company, by the name of the Bardstown and Louisville Rail Road Company, and by that name shall be capable, in law, of purchasing, holding, selling, leasing and conveying real estate, not exceeding twenty-five hundred acres, and personal and mixed estate, so far as may be necessary for the purposes hereinafter mentioned, and no further; and shall have perpetual succession, and by said corporate name may sue and be sued, and have and use a common seal, which they shall have power to alter or renew at their pleasure, and shall have, enjoy and may exercise all the powers, rights and privileges, which other corporate bodies may lawfully do, for the purpose mentioned in this act.

Sec. 3. *Be it further enacted*, That if more than three thousand five hundred shares shall be subscribed to the capital stock of said company, the said commissioners, or a majority of them, shall reduce, by striking off from the largest number of shares in succession, until the subscriptions are reduced to three thousand five hundred shares.

Sec. 4. *Be it further enacted*, That at every such subscription there shall be paid, at the time of subscribing, to the said commissioners, or their agents, appointed to receive such subscription, either in money or a note, negotiable and payable at some bank, at sixty days date, or longer, at the option of the said commissioners or their agents, the sum of one dollar

on every share subscribed, and the residue thereof shall be paid in such instalments and at such times as may be required by the President and Directors of said company: *Provided*, no payment shall be demanded until at least thirty days public notice of such demand shall have been given by the President and Directors, nor shall more than twenty-five per cent. of each share of said stock be called for in any one year: but if the exigencies of the company should require the payment of the stock to be made more rapidly than is provided for herein, or should the President and Directors, or a majority of the whole number elected, consider it expedient, for the purposes of aiding the stockholders or hastening the completion of the contemplated road, it shall be lawful for them to borrow, on the credit of said company, a sum of money, not exceeding two hundred thousand dollars. And if any subscriber shall fail or neglect to pay any instalment or part of said subscription, demanded according to the provisions of this section, for the space of sixty days next after the time the same shall be due and payable, the stock on which it is demanded shall be forfeited to the company, and may be sold by the said President and Directors, for the benefit of the company: but the President and Directors, by a majority of the whole board, may remit any such forfeiture on such terms as they may deem proper.

Sec. 5. *Be it further enacted*, That if the subscription, herein made necessary to the incorporation of the said company, shall not be obtained within one year after the first opening of the subscription books by the said commissioners, this act, and all the subscriptions under it, shall be null and void: and the said commissioners, after discharging the expenses of opening the books, shall return the residue of the money paid in upon such subscription to the several subscribers, in proportion to the sums respectively paid in by them.

Sec. 6. *Be it further enacted*, That at the expiration of the five days for which the books are first opened, if one thousand shares of capital stock shall have been subscribed, or if not, as soon thereafter as the same shall be subscribed, if within one year after the first opening of the books, the said commissioners, or a majority of them, shall call a general meeting of the subscribers, at such time and place as they may appoint, and shall give at least twenty days public no-

1833.

The balance—  
when to be paid  
in.

The stockholders authorized  
to borrow  
\$200,000.

The stock may  
be forfeited for  
a failure to pay  
the instalments.

If sufficient  
subscriptions to  
incorporate the  
company are  
not obtained in  
12 months, the  
charter is to be  
void, and the  
money paid in  
to be returned.

A general meet-  
ing of the stock-  
holders to be  
called when  
1000 shares are  
subscribed.

1833.

Pres't and Di-  
rectors to be  
elected.

President's sal-  
ary.

Each share of  
stock to entitle  
the owner to  
one vote.

A President  
and 12 direc-  
tors to be cho-  
sen annually by  
the stockholders

To appoint  
judges of the  
election and a  
President.

Vacancies—  
how filled.

Term of office  
of President or  
Director.

Special meet-  
ings of the

tice thereof: and at such meeting the said commissioners shall lay the subscription books before the subscribers then and there present, and thereupon the said subscribers, or a majority of them then present, shall, from among the stockholders, elect twelve Directors by ballot, to manage the affairs of said company: and those twelve Directors, or a majority of them, shall have the power of electing a President of said company, either from among the Directors or any other stockholder, and of allowing him such compensation for his services as they may deem proper; and that in said election, and on all other occasions wherein a vote of the stockholders of said company is to be taken, each stockholder shall be allowed one vote for every share owned by it, him or her, and every stockholder may in writing depute any other person to vote and act for it, him or her, as its, his or her proxy, and the commissioners aforesaid, or any three or more of them, shall be judges of the said first election of Directors.

Sec. 7. *Be it further enacted*, That to continue the succession of the President and Directors of said company, twelve Directors shall be chosen annually on the third Monday in May in every year, in the town of Bardstown, by the stockholders of said company, and that the Directors of said company, or a majority of them, shall have power to appoint judges of all elections, and to elect a President of said company, either from amongst the Directors or any other stockholder, and to allow him such compensation for his services as they may deem proper: and if any vacancy shall occur by death, resignation, or refusal to act, of any President or Director, before the year for which he was elected has expired, a person to fill such vacant place for the residue of the year may be appointed by the President and Directors of said company, or a majority of them: and that the President and Directors of the company shall hold and exercise their offices until a new election of President and Directors; and that all elections which are, by this act or the by-laws of said company, to be made on a particular day, or at any particular time, if not made on such day or such time, may be made at any time within thirty days thereafter.

Sec. 8. *Be it further enacted*, That a general meeting of the stockholders of said company may be called at any time during the interval between the an-



nual meetings, by the President and Directors, or a majority of them, or by the stockholders owning at least one-fourth of the whole stock subscribed, upon giving thirty days public notice of the time of holding the same, which shall be at some place in Bardstown named in the advertisement: and when any such meetings are called by the stockholders, such notice shall specify the particular object of the call: and if at any such called meetings, a majority (in value) of the stockholders of said company are not present in person or by proxy, such meeting shall be adjourned, from day to day, without transacting any business, for any time not exceeding three days: and if, within three days, stockholders having a majority (in value) of the stock subscribed, do not thus attend, such meeting shall be dissolved.

Sec. 9. *Be it further enacted*, That at the regular annual meetings of the stockholders of said company, it shall be the duty of the President and Directors in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the company; that at any called meeting of the stockholders (a majority in value,) of the whole stock subscribed being present, or a majority (in value) of the attending stockholders, may require similar statements from the President and Directors, whose duty it shall be to furnish them when thus required; and that at all general meetings of the stockholders, a majority (in value) of all the stockholders in said company may remove from office the President or any of the Directors of said company, and fill up vacancies thus created in the same way and to the same extent that they could do at their stated annual meetings.

Sec. 10. *Be it further enacted*, That every President and Director of said company, before he acts as such, shall swear or affirm, as the case may be, that he will well and truly discharge the duties of his said office to the best of his skill and judgment.

Sec. 11. *Be it further enacted*, That if any of the stock created by virtue of this act, shall remain unsubscribed until after the election of the President and Directors, as provided for in the sixth section of this act, the said President and Directors, or a majority of them, shall have power to open books and receive subscriptions to any of the capital stock of said company which may remain unsubscribed for, or to sell and dispose of such unsubscribed stock for the

1833.

stockholders may be called.

Notice thereof to be given.

If at such meetings a majority of the stock is not represented, the same shall be adjourned or dissolved.

Accounts of the affairs of the company to be submitted to stockholders at any meeting, if required.

The stockholders may remove a Pres't or Director from office.

Pres't and Directors to take an oath of office

The Pres't and Directors may receive subscriptions for stock remaining unsubscribed.

1833.

benefit of the company, for any sum not under its par value: and the purchasers or subscribers of such stock shall have all the rights, powers and privileges of original subscribers, and shall be subject to the same regulations.

May appoint their officers, engineers, &c. and remove them from office.

Fix their compensation, &c.

To erect necessary warehouses, buildings, &c.

To provide for transfers of stock.

To pass by-laws.

The capital stock may be increased by subscriptions or sale if insufficient.

Sec. 12. *Be it further enacted*, That the said President and Directors, or a majority of them, may appoint all such officers, engineers, agents or servants whatsoever, as they may deem necessary for the transaction of the business of the company, and may remove any of them at their pleasure; that they, or a majority of them, shall have power to determine, by contract, the compensation of all the engineers, officers, agents, servants or others, in the employ of the said company: and to regulate, by their by-laws, the manner of adjusting and settling all accounts against the company; that they, or a majority of them, shall have power to erect buildings for the safe keeping of articles entrusted with them for transportation, and for workshops necessary for the business of the company; that they, or a majority of them, shall have power to direct the manner and by what evidence stock in said company may be transferred, and to pass all by-laws which they may deem necessary or proper for exercising all the powers vested in the company hereby incorporated, and for carrying the object of this act into effect: *Provided, only*, That such by-laws shall not be contrary to the laws of the United States or the laws of this state.

Sec. 13. *Be it further enacted*, That if the capital stock of said company shall be deemed insufficient for the purposes of this act, it shall and may be lawful for the President and Directors of said company, or a majority of them, from time to time, to increase the said capital stock by the addition of as many shares as they may deem necessary, not exceeding in amount five hundred thousand dollars, for which they may, in their option, cause subscriptions to be received, giving notice in the manner herein before prescribed, or may sell the same for the benefit of the company, for any sum not under their par value.

May construct a Rail-way from Bardstown to Louisville.

Sec. 14. *Be it further enacted*, That the President and Directors of said company shall be, and they are hereby, invested with all the rights and powers necessary for the construction and repair of a Rail Road from Bardstown to some suitable point at the City of Louisville, to be by them determined, not exceeding

sixty-six feet wide, with as many set of tracks as the said President and Directors may deem necessary; and that they may cause to be made a contract with others for making said *Rail Road*, or any part of it; and they, their agents or those with whom they may contract for making any part of the same, or their agents, may enter upon and use, and excavate any land which may be wanted for the site of said road or the erection of warehouses, or other works necessary to said road, or for any other purpose necessary or useful in the construction or repair of said road or its works; and that they may build bridges, provided the same do not obstruct the navigation on navigable streams; may fix scales and weights; may lay rails; may take and use any earth, timber, gravel, stone or other materials which may be wanted for the construction or repair of said road or any part of its works; and may make and construct all works whatsoever, which may be necessary and expedient, in order to the proper completion of said road.

Sec. 15. *Be it further enacted*, That the President and Directors of said company, or a majority of them, or any person or persons authorised by a majority of them, may agree with the owner or owners of any land, earth, timber, gravel or stone, or other materials, or any improvements which may be wanted for the construction or repair of said road, or any of the works, for the purchase or use and occupation of the same; and if they cannot agree, and if the owner or owners, or any of them, be a *feme covert*, under age, *non compos mentis*, or out of the county in which the property wanted may lie, when such lands and materials may be wanted, application may be made to any justice of the peace of such county, who shall thereupon issue his warrant, under hand and seal, directed to the sheriff of said county, requiring him to summon a jury of twenty inhabitants of said county, not related or in anywise interested, to meet on the land or near to the property or materials to be valued, on a day named in said warrant, not less than ten nor more than twenty days after the issuing of the same; and if, at said time and place, any of said jurors summoned do not attend, the said sheriff shall immediately summon as many jurors as may be necessary, with the jurors in attendance, to furnish a pannel of twenty jurors in attendance, and from them each party, or its, his, her or their agent, if either be not pres-

1833.

Or contract with others to construct it.

May enter upon lands, timber and stone and use the same thereon.

May agree and contract for the land, timber or materials for the construction of the road with the owner.

Or may have the same condemned for the use of the road.

Mode of proceeding prescribed.

Jury to assess damages.

1833.

ration to exercise their corporate powers, or by such persons as by any law of this state are entrusted with the direction and management of such turnpike road or bridge, or of any of the rights or privileges aforesaid; and every contract, agreement or transfer, made in pursuance of the power and authority hereby granted, when executed by the several parties under their respective corporate seals, or otherwise legally authenticated, shall vest in the company hereby incorporated all such road, part of road, rights and privileges, and the rights to use and enjoy the same, as fully, to all intents and purposes, as they are now, or might be, used and exercised by the said corporations or persons in whom the same are now vested.

Authorized to purchase and use carriages, &c. on said road for transporting persons or property.

Rates of toll allowed on said road.

Sec. 20. *Be it further enacted*, That the said President and Directors shall have power to purchase with the funds of said company, and place on the road constructed by them under this act, all machines, wagons, vehicles, or carriages, of any description whatsoever, which they may deem necessary or proper for the purposes of transportation on said road, and that they shall have power to charge for tolls, (and the transportation of persons,) goods, produce, merchandise, and property of any kind whatsoever transported by them along said rail-way between Bardstown and Louisville, any sum not exceeding the following rates, to-wit: On all goods, produce, merchandize, or property of any description whatsoever, transported by them on the rail-way between Bardstown and Louisville, it shall be lawful for them to charge, for every hundred pounds transported the whole distance from Bardstown to Louisville, two and a half mills per hundred pounds weight; for each mile, for every hundred pounds weight transported over twenty miles, and under forty miles, three mills for each mile the same may be transported; for every hundred pounds weight, transported a distance not exceeding twenty miles, three and a half mills for each mile the same may be transported; and for the transportation of passengers, four cents per mile for each passenger; silver and gold bullion, money of all descriptions, and mails, are excepted from the rates herein established, and for which the company, by their President and Directors, or a majority of them, or their agents, shall be, and they are hereby, authorised to contract especially for their transportation, upon such terms as the parties interested may agree upon; and it shall not be lawful

for any other company, or any other person or persons whatsoever, to travel upon or use the road of said company, or to transport persons or merchandize, or property of any description whatsoever, along said road, without the license or permission of the President and Directors of said company; and that the said road, with all their works, improvements, and profits, and all the machinery of transportation used on said road, are hereby vested in said company incorporated by this act, and their successors, for ever; and the shares of the capital stock, and all the estate, real and personal, belonging or appertaining thereto, shall be exempt from the imposition of taxes by the Commonwealth of Kentucky, for the term and space of twenty years from the passage of this act, and shall never be taxed beyond the rate of tax imposed upon real estate in the commonwealth, estimated upon the original cost for the execution and completion of the proposed works; nor will the Legislature of this Commonwealth, for the space of twenty years from the passage of this act, authorise any other rail-road to be laid down on a parallel line with the one located by this company approaching nearer than twenty miles; but nothing contained in this act shall be so construed, as to prohibit the laying down another rail-way diverging from that laid down by the company herein incorporated: *Provided*, It does not approach at any angle more acute than fifteen degrees.

Sec. 21. *Be it further enacted*, That the said President and Directors of the Bardstown and Louisville Railway, or a majority of them, shall be, and they are hereby, authorised to subscribe in their corporate capacity for stock in any turnpike or rail-road company, chartered for the purpose of connecting such road with that made by this company, upon the same conditions and with the same privileges that is given to other stockholders, and to pay for the same out of the joint or common funds of this company.

Sec. 22. *Be it further enacted*, That the said President and Directors shall, annually or semi-annually, declare and make such dividend as they may deem proper, of the net profits arising from the resources of the said company, after deducting the necessary current and probable and contingent expenses, and that they shall divide the sum amongst the stockholders of said company in proportion to their respective shares.

1833.

No other company or persons permitted to use or travel said road.

The real and personal estate and stock exempted from taxation for 20 years.

And then only to be taxed as other property.

No rail-road parallel to be made for 20 years to approach within 20 miles.

Diverging rail-ways may be made.

This company authorized to subscribe and hold stock in turnpike companies.

Dividends and profits to be made annually or semi-annually.

1833.

Penalty for injuring or destroying the rail-road or its works, machinery, carriages, &c.

To be recovered by appropriate action or indictment.

This charter to be void if the road is not commenced in three and finished in ten years.

The right reserved of connecting other rail-roads with this.

Stock reserved for subscription by the U. States

Who may become subscribers for stock.

Sec. 23. *Be it further enacted*, That if any person or persons shall wilfully, by any means whatsoever, injure, impair or destroy, any part of said rail-road constructed for said company under this act, or any of the necessary works, buildings, carriages, vehicles, or machinery of said company, such person or persons so offending shall, each of them, for every such offence, forfeit and pay to the said company a sum not exceeding four hundred dollars, which may be recovered in the name of said company, by an action of debt in the circuit court of the county wherein the offence shall be committed, and shall also be subject to indictment in said court, and, upon conviction of such offence, shall be punished by imprisonment, not less than six months nor more than four years, in the discretion of the jury.

Sec. 24. *Be it further enacted*, That if this road shall not be commenced within three years from the first day of May next ensuing the passage of this act, and shall not be finished in ten years from the time of the commencement thereof, then this act shall be null and void.

Sec. 25. *Be it further enacted*, That full right and privilege is hereby reserved to the citizens of this state, or any company hereafter to be incorporated under the authority of this state, to connect with the road hereby provided for any other rail-road leading from the main route, and diverging therefrom at an angle of twenty degrees or more to any part or parts of the state: *Provided*, That in forming such connexion no injury be done to the works of the company hereby incorporated.

Sec. 26. *Be it further enacted*, That the government of the United States shall be, and they are hereby, permitted to hold stock in the corporation created by this act, upon the same terms, on the same conditions, and subject to the same restrictions that other stockholders are: *Provided*, The amount subscribed shall not exceed one-fourth of the whole amount of the capital stock.

Sec. 27. *Be it further enacted*, That it shall be lawful for the trustees of the town of Bardstown, and for the county courts of Nelson, Bullitt and Jefferson counties, and for any county court in this commonwealth, and for any corporation created by act of the General Assembly of the Commonwealth of Kentucky, or by act of the Congress of the United States, by their

agent by them respectively appointed for that purpose, to subscribe for and hold shares in the capital stock of the said company, in the same manner as natural persons may, and to exercise and enjoy the same right of voting by their several agents or officers, and all other rights and privileges which other stockholders may.

1833.

Sec. 28. *Be it further enacted*, That it shall be lawful for the said company to commence the business of transportation on their said rail-road whenever any part is completed.

Transportation may be commenced when any part of the road is completed.

Sec. 29. *Be it further enacted*, That they shall be, and are hereby, permitted to charge for the transportation of passengers a distance of three miles and under, twelve and a half cents for each passenger: and for the transportation of produce and merchandize, and other articles paying by weight, when the distance is under five miles they may charge the same compensation as though they transported five miles: *Provided, however*, That nothing in this act shall be so construed, as to repeal or impair the charter granted to the Lexington and Ohio Rail Road Company.

Charges for transporting persons and produce a less distance than five miles.

Provide.

[Approved February 1, 1833.]

CHAP. 207.—AN ACT to incorporate the Crittenden School, in the county of Franklin, and the New Providence School, in the county of Mercer.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Landen Sneed, Jas. Milam, John Sheets, Thompson Taylor and Samuel B. Crockett be, and they are hereby, appointed and constituted a body corporate, to be known and designated by the name and style of the Trustees of the Crittenden School, in the county of Franklin, with power to supply, by the election of others, any vacancies that may occur in their body, by death, removal or resignation, so as to keep up a perpetual succession; and by their corporate name, as aforesaid, to sue and be sued.

Trustees of the Crittenden school appointed and incorporated.

Vacancies—how filled.

Sec. 2. *Be it further enacted*, That it shall and may be lawful for the said trustees, and their successors in office, and they are hereby invested with full power and authority, in their corporate capacity, to purchase or receive, by donation, and to hold the title of a tract of land, not exceeding two acres of ground, on which

Authorized to purchase and hold a tract of land.

1833.

To make by-laws.

the said school house now stands, and to hold the same to themselves and their successors in office, for the use, benefit and purpose of said school; and to make and ordain by-laws, for the government of the school, not inconsistent with the constitution and laws of the Commonwealth.

The trustees of the New Providence school appointed and incorporated.

Sec. 3. *Be it further enacted*, That Peter R. Dunn, Abraham McMordic, Jacob Sharpe, Garnett Brown and Lanty Holman, Esq., trustees of New Providence, and their successors in office, be, and they are hereby constituted and appointed a body corporate, to be known and designated by the name and style of the Trustees of New Providence School, in the county of Mercer, within the school district as laid off by the surveyor of said county; and by said name and style to have perpetual succession, according to such rules and regulations as may be made from time to time, providing for their election and the supplying of any vacancies which may happen, from death or otherwise; and by their corporate name to sue and be sued, and to make such by-laws and regulations, for the government of said school, as may be necessary, not inconsistent with the laws and constitution of this state.

Corporate powers.

May purchase and hold eight acres of land.

Sec. 4. *Be it further enacted*, That it shall and may be lawful for said trustees, and their successors in office, and they are hereby invested with full power and authority, in their corporate capacity, to purchase, or receive by donation, and hold the title of the lot of ground on which said school-house stands, and any additional number of acres adjoining thereto, and including the well of water adjacent, not exceeding eight acres in the whole; and the same to hold, as trustees aforesaid, and their successors in office, for the use and benefit of said school and meeting-house, thereto belonging, known by the name of "New Providence."

Clerks to be appointed and their duties prescribed.

Sec. 5. *Be it further enacted*, That the trustees of the aforesaid schools shall each appoint a clerk, who shall keep a regular record of all their proceedings; and they are hereby vested with full power to procure a suitable library, for the use of said schools respectively, and to hold the same, in their corporate capacity; and also to make such rules and regulations, for the preservation thereof, as may be necessary.

[Approved February 1, 1833.]



CHAP. 208.—AN ACT supplementary to an act, entitled, "an act to establish the Town of Taylorsville, and to legalize the proceedings of the Trustees of said town," approved, Jan. 22, 1833.

1833.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the trustees of the town of Taylorsville shall have power to levy and collect a tax on all the property taxable by the revenue laws of this state, within the said town, not exceeding twenty-five cents for every hundred dollars value of property, and they shall have a lien on all such property until the tax thereon be paid; and they shall apply the moneys arising therefrom to such purposes as they may deem most beneficial to the interest of said town.

The trustees may levy an annual tax.

Sec. 2. *Be it further enacted,* That the trustees of said town shall have power, and they are hereby authorised, to cause the owners of lots on Main street, Garrard street and Washington street to have footways paved, in front of their respective lots, on said streets, either with brick or stone, not exceeding nine feet wide, at the proper costs and charges of the owner or proprietors of lots fronting on the streets aforesaid.

May have foot-pavement made

Sec. 3. *Be it further enacted,* That whenever a majority of the proprietors of lots upon any one of the streets in said town, or upon any one square, shall petition the trustees to have the street or square paved or turnpiked, that the said trustees shall have power and authority to cause said street or square, as the case may be, paved or turnpiked at the proper costs and charges of the owners of lots upon such street or square, as the case may be; and the said trustees may retain a lien upon any lot or lots, situate upon such street or square, as the case may be, for the payment of such portion of the expense of paving or turnpiking in front thereof, as may be necessary; and they are hereby authorised to sell and convey such lot or lots in default of payment, by any proprietor thereof, in order to raise the money necessary to defray the expense of paving or turnpiking, as aforesaid; and any sale and conveyance of any lot or lots, for the purposes aforesaid, shall pass a fee simple estate in and to the same to the purchaser or purchasers thereof.

May cause the streets to be paved.

Regulations in relation thereto.

Sec. 4. *Be it further enacted,* That the trustees of said town shall cause a plat thereof to be made by the surveyor of Spencer county, and have the same recorded in the Spencer county court.

A plat of the town to be made out and recorded.

1833.

The general laws relating to towns to apply to Taylorsville.

Sec. 5. *Be it further enacted*, That in all other things pertaining to said town of Taylorsville, not expressly provided for in this act, the said town shall be governed by the general laws of this Commonwealth vesting the county courts with full power and authority to establish towns.

Certain alley may be closed and the ground sold.

Sec. 6. *Be it further enacted*, That the trustees of said town of Taylorsville shall have full power and authority to close or stop up the alley lying between lots numbers 110, 111 and 124, 125, in said town, and to sell and dispose of the ground upon which the said alley is located, and to convey the same to the purchaser thereof; and said conveyance, when made, shall pass a fee simple estate in said alley, between the lots aforesaid, to the purchaser thereof, his heirs or assigns. This act shall be in force from and after the passage thereof.

[Approved February 1, 1833.]

CHAP. 209.—AN ACT to amend an act, entitled, "An act to amend the law in relation to opening and repairing the public roads in certain counties," approved January 29, 1830.

Fine for failing to work on the public roads in Greenup.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all persons in the county of Greenup failing to work on the roads to which they shall be severally assigned, when properly notified, shall pay at the rate of seventy-five cents per day for such failure, instead of fifty cents as now provided for by law.

Mode of collecting the fines and the duty of the road overseers.

Sec. 2. *Be it further enacted*, That all overseers of roads in said county are hereby authorised, from time to time, on or before the first Monday in October, annually, to put into the hands of some constable of said county, for collection, a list of such delinquents as have failed to work on their respective roads when properly notified, specifying the amount or balance due from each agreeably to the requisitions of the first section of this act, and take his receipt therefor, which receipt or receipts shall be returned by said overseers to the clerk of the county court, for the use of the road commissioner for said county, on or before the first Monday in November, annually; and the balance of said delinquent list, if any, shall be made out in like manner and returned as heretofore on the first Monday in December annually.

Sec. 3. *Be it further enacted*, That each of said overseers shall continue in office until his successor be appointed, and during the pleasure of said commissioners, unless he shall wish to resign at the end of the second year, in which case he shall endorse said wish on his road order, and return the same to the clerk of the county court on the first Monday in December; and all overseers shall, annually, on the said first Monday in December, return to said clerk a list of the names of all the hands who have moved into their respective precincts, arrived at age, or otherwise become liable to a road tax, and were not upon their original lists.

1833.

Mode of appointing road overseers and their duty.

Sec. 4. *Be it further enacted*, That it shall be the duty of the several constables of said county to receive said delinquent lists, whenever presented as aforesaid, and forthwith collect the same: and he may distrain therefor, in the same manner and to the same extent that the sheriff may now distrain for the county levy; and such constable shall report on oath to the next court of claims the amount he has been able to collect, and shall immediately pay over the same to the said commissioners, retaining seven per centum for collection, and shall also return on oath a true list of those delinquents, with the amount due from each, out of whom collections could not be enforced after using due diligence, and said commissioners may re-list the same, from time to time, at their discretion, with the sheriff or any constable, and may make out delinquents' lists against such persons as may have removed into another county, and take the receipt of the sheriff of that county for the same, whose duty in like manner as he is now bound by law to collect and account for other public dues.

Road comm'rs to list the fines with the constables or sheriffs for collection, &c.

Sec. 5. *Be it further enacted*, That it shall be the duty of each of said overseers to keep his road in good repair; and if any more work be necessary than can be obtained from the hands assigned thereto, he may hire, or otherwise cause such labor or services to be performed on said road, as the public good may require, and keep a true account thereof: which account, when duly sworn to and presented to said commissioners, shall be allowed and paid by them: *Provided*, such account do not exceed half the amount of the delinquent lists returned by such overseer.

Road overseers may hire hands to keep the roads in repair.

The cost thereof, how paid.

Sec. 6. *Be it further enacted*, That it shall be the duty of said commissioners, whenever they have more

1833.

Surplus funds to be distributed among the several overseers in proportion to their collections

Penalty on comin'rs, overseers, sheriffs, &c. for neglect of duty.

Exemptions from militia duty.

Fines may be remitted and grievances redressed by the road comm'rs.

Commencing clause.

funds in their hands than may be necessary for the special objects of the law to which this is an amendment, to distribute the same among the several overseers in proportion to the amount collected in their several precincts, and said overseers shall cause the same to be expended on the roads to the best advantage for the public good.

Sec. 7. *Be it further enacted*, That in case of any failure in the performance of the duties hereby enjoined, the said several commissioners, overseers, sheriffs, and constables, shall be subject to the same fines, penalties and responsibilities, as are now provided by law in similar cases: and all said commissioners shall, for the time being, be exempt from military duty in time of peace.

Sec. 8. *Be it further enacted*, That if any person shall feel himself aggrieved by the return of any overseer, and shall make affidavit thereof, and of the cause of his grievances, before some justice of the peace, and file the same with any one of the road commissioners, such commissioner shall give an order from under his hand to the officer having the fine complained of, for collection, directing him to suspend the collection thereof, until the further order of the commissioners; and such commissioner shall submit the said affidavit to one or both of the other commissioners, and if they shall be of opinion that the fine ought not to be collected, they will give no further order for its collection: but if the commissioners shall consider that said fine, or any part thereof, ought to be collected, they shall notify the officer accordingly, and he shall proceed with the collection thereof. This act shall take effect and be in force from and after the first day of March next.

[Approved February 1, 1833.]

CHAP. 210.—AN ACT to establish an election precinct in Bourbon county.

Election precinct established.

Place of voting.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of the county of Bourbon, called and known by the name of the Flat Rock settlement, shall constitute an election precinct, to be called the Flat Rock precinct; the elections therein to be held at the house of James Rennolds, or such other place in the town of Flat

Rock as the judges of the election, for the time being, may select, where it shall be lawful for the qualified voters in said precinct to vote in all legal elections, under the same rules and regulations as are now provided by law: *Provided, however,* That this act shall not be so construed as to prevent any qualified voter in said precinct from voting at the courthouse in said county: subject to the penalties imposed by law for voting at more than once at any one election.

1833.

Regulations concerning.

Sec. 2. *Be it further enacted,* That it shall be the duty of the county court of Bourbon to appoint judges and a clerk to attend said precinct, at the same time that judges and clerks are appointed for other places of voting in said county, who, when appointed, shall be governed by the laws regulating elections, subject to the same penalties and entitled to the same emoluments.

Clerk and judges to be appointed.

Sec. 3. *Be it further enacted,* That it shall be the duty of the sheriff of Bourbon county to attend the elections in said precinct, either by himself or deputy.

Sheriff to attend elections therein.

[Approved February 1, 1833.]

CHAP. 211.—AN ACT for the benefit of Eliza Badger.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the marriage contract heretofore existing between Eliza Badger and Robert N. Badger, her husband, so far as the said Eliza is bound thereby, be, and the same is hereby, dissolved; and the said Eliza Badger shall, in all things, hereafter be considered an unmarried woman.

[Approved February 1, 1833.]

CHAP. 212.—AN ACT for the benefit of Joseph Norris, Surveyor of Scott county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Joseph Norris, surveyor of Scott county, be, and he is hereby, allowed until the first Monday in June next to renew his bond, as surveyor of said county.

[Approved February 1, 1833.]

1833.

CHAP. 213.—AN ACT for the benefit of Jacob Miller, of Simpson county.

Whereas, it is represented that Jacob Miller, of Simpson county, Kentucky, is extremely poor, has but one arm and twelve children, three of whom were born at one birth: Therefore—

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Jacob Miller shall be, and he is hereby, authorised to locate, for his own use and benefit, one hundred and sixty acres of vacant land, South of Green river and East of the Tennessee river, in one or more surveys, according to the laws now in force in relation to the location of vacant land. And the Register is hereby authorised to issue to the said Miller a warrant or warrants for one hundred and sixty acres of land, without cost or charge by the Commonwealth, to the said Miller.

[Approved February 1, 1833.]

CHAP. 214.—AN ACT to legalize the proceedings of the Court of Assessment for the 34th Regiment of Kentucky Militia.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the proceedings of the Court of Assessment of fines in the 34th Regiment of Kentucky Militia, held on the 29th day of November, 1832, be, and the same are hereby, legalized and confirmed; and that the fines imposed by said court shall be collected and accounted for in the same manner as if the same had been imposed on the day appointed by law for the meeting of said court.

[Approved February 1, 1833.]

CHAP. 215.—AN ACT to authorise the insertion of advertisements in "The Commonwealth."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the editor of "the Commonwealth," a paper to be printed in the town of Frankfort, be authorised to insert in his paper all advertisements which are now required by law to be inserted in any public newspaper in this Commonwealth.

[Approved February 1, 1833.]

CHAP. 216.—AN ACT to amend the law imposing tax on merchandise.

1833.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That each and every person owning, holding or possessing a wholesale or retail store or stores, shall hereafter list the same for taxation, and shall add thereto the whole amount of the value of all the goods, wares and merchandise purchased or laid in by him or her, during each year next preceding the tenth of January, at the prime costs thereof, and make oath to the same, to the best of his recollection, knowledge and belief, and shall pay on said value the same *ad valorem* per cent. that shall be paid on other property: *Provided*, That nothing in this act contained shall be so construed as to require any article manufactured in private families in this state, bartered for, or laid in by the merchant, to be listed for taxation.

The value of all merchandise imported to be given in on oath to the comm'r's of tax.

To pay an *ad valorem* tax.

Provide.

[Approved February 1, 1833.]

CHAP. 217.—AN ACT to authorise the qualified voters of Hickman County to select either Moscow or Clinton for the permanent seat of Justice for said County.

Whereas, it is represented to the present General Assembly, that a majority of the citizens of Hickman county are much dissatisfied with the location of their present seat of justice, and set forth in their petition that it would be greatly to the interest of the people of said county to be allowed, by an act of the General Assembly, an opportunity of expressing their opinions as to the removal of their seat of justice from Clinton to the town of Moscow, by the election of the qualified voters of said county: Therefore—

Recital.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county court of Hickman county shall, at their March or May term, appoint judges and clerks, as in cases of elections for members to the General Assembly, whose duty it shall be to attend the respective precincts or places of voting in said county, and after being first duly qualified as in other cases of elections, shall, on the first Monday and Tuesday in the month of June, 1833, open polls for the reception of the votes of the free and legally qualified voters of said county, that is to say, one column for the town of Clinton and one column for the town of Moscow, which polls shall be opened and

The location of the seat of justice to be fixed by the voters of said county in June next, between Clinton and Moscow.

Mode of conducting the election.

1833. closed at the same hours in said days, and the election in every respect conducted in the same manner, as is now required by law in cases for elections for members of the General Assembly: *Provided*, That it shall also be the duty of the county court to assign to each district a sheriff, deputy sheriff, or some other person appointed and qualified by the court for that purpose, whose duty it shall be to attend, open the polls, and conduct the election as in other cases: and in case of the failure of either of the judges or of the clerk of the precinct to which he may be assigned to attend, the officer attending shall appoint and qualify some other fit person to act in his or their stead: *And provided further*, That in case of the failure of the sheriff or other person appointed to attend, it shall be the duty of the judges of the election to appoint and qualify some fit person to act in his place.

Notice to be  
given of said  
election.

Sec. 2. *Be it further enacted*, That it shall be the duty of the sheriff of Hickman county to set up written advertisements of said election, at four of the most public places in said county, which shall be done at least one month previous to the time of holding said election.

Polls—when  
and where com-  
pared.

Sec. 3. *Be it further enacted*, That it shall be the duty of the said sheriff or other persons appointed for that purpose, to meet and compare the said polls at the court-house in the town of Clinton, on the first Thursday succeeding the election: after which, the sheriff of said county shall make out a written certificate, under his hand and seal, specifying the result of said election, and the distinct number of votes given for each of the places voted for: which certificate shall be by him returned to the justices of the county court for said county, at their next term, who shall forthwith cause an order to be made putting the said certificate upon record, and the same shall ever afterwards be considered and held as conclusive evidence of the result of said election.

Return to be  
made to the  
county court.

Seat of justice  
to be moved to  
Moscow if 150  
of a majority  
is obtained  
therefor:

Sec. 4. *Be it further enacted*, That if at said election there shall be given a majority of one hundred and fifty votes of the legal and qualified votes of said county for the town of Moscow, it shall be the duty of the clerks of the circuit and county courts to remove all public books, papers and records of said county to the town of Moscow, within ten days after notice has been given to said clerks by the sheriff of Hickman county, (or by some one deputed by him for



that purpose,) that the said people of said town have subscribed, or procured the subscription of, the sum of two thousand dollars by good and solvent men, and made payable to the justices of the Hickman county court, and their successors in office, for the purpose of aiding said county in the erection of public buildings in the town of Moscow: which sum of money shall be payable in two annual instalments, that is to say, one thousand dollars to be paid within one year after the above named election, and the other thousand dollars within two years thereafter: *Provided, however,* That it shall be the duty of the trustees of the town of Moscow to furnish a house for the holding the circuit and county courts of said county, until public buildings can be erected by the county court thereof.

1833.

And a subscription of \$2000 made to erect the public buildings therein.

Proviso.

Sec. 5. *Be it further enacted,* That after compliance with the foregoing provisions of this act, the circuit and county courts of said county shall be holden at the town of Moscow, which shall be, and ever afterwards remain, the permanent seat of justice of said county.

The courts to be held in said town thereafter.

Sec. 6. *Be it further enacted,* That the judges, clerks and sheriffs, or other persons appointed to conduct the aforesaid election, shall receive each one dollar per day for every day they may necessarily be engaged in attending the same and comparing the polls thereof, to be paid out of the county levy of Hickman county.

Compensation to the officers conducting the election.

[Approved February 1, 1833.]

CHAP. 218.—AN ACT to provide for balancing the accounts of the Treasury with the Bank of the Commonwealth.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Cashier of the Bank of the Commonwealth of Kentucky be, and he is hereby, required to credit the account of the Treasury in said bank with the amount which may be due from the Treasury to the bank on the tenth day of October next.

[Approved February 1, 1833.]

CHAP. 219.—AN ACT to amend the Penal Laws.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter, if any per- Penalty for altering or chang-

1833.

ing any poll  
book for the  
election of pub-  
lic officers.

son or persons, who may have the care, keeping or management of any document, book or paper, in relation to the election of any of the officers of this commonwealth, whose election is by law required to be held and made by the people of this commonwealth, and shall change, alter, or vary the same, or permit another to do so, by interlineation, addition, or otherwise, with intent, and so as to produce a result different from the real fact and truth of said election, every such person or persons, being duly thereof convicted before a court of competent jurisdiction, shall be held and deemed guilty of felony, and shall undergo a confinement in the jail and penitentiary of this commonwealth for any length of time not less than one nor more than three years, at the discretion of the jury: this act to be in force from and after its passage.

[Approved February 1, 1833.]

CHAP. 220.—AN ACT to provide for the location of the Lexington and Ohio Rail Road through the City of Louisville, and for other purposes.

Preamble.

Whereas, it is represented to the present General Assembly, that difficulties have arisen between the Lexington and Ohio Rail Road Company, and the Mayor and Council of the City of Louisville, in the location or the site of said road through said City: For remedy whereof—

Company shall  
have power to  
pass their road  
thro' Louisville

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That said President, Directors and Company of the Lexington and Ohio Rail Road Company, shall have the power, under their charter, to pass through the limits of the said City of Louisville, to the Ohio river, at such point as they deem eligible on the Ohio, below the falls of said river. And if the Mayor and Council of the City and the said President and Directors of the rail road cannot agree upon the proper street through which the said rail road shall be located, then, and in that case, it shall and may be lawful for William O. Butler, of Gallatin county, John L. Hickman, of Bourbon county, George C. Thompson, of Mercer county, and Jas. Crutcher, of Hardin county, or any three of them, who are hereby constituted a board of commissioners, to designate the site of said rail road through the City of Louisville, paying, in such location, a due regard

Comm'rs ap-  
pointed to fix  
the location of  
the road.

1833.

to the interests and convenience of said City, the public good and the rights and claims of the Rail Road Company in the location; and the street or site thus designated as the location, by the commissioners, shall be; throughout the City limits, the location and site of said rail road in and through said City; and it shall be lawful for the Rail Road Company aforesaid, to proceed to construct the road agreeably to the location of the commissioners, according to their charter, and to exercise such power and authority over the road, so located, as is given over other parts of the road, by the charter; and after such location, it shall be the duty of the City authorities of Louisville and all others, to allow the said company to progress with the road on the location, without let or hindrance, and to allow said company full ingress, egress and regress, with all necessary servants, beasts, timbers, stones, &c. and instruments necessary to construct the said road, and to do and perform whatever they may rightfully do upon other parts of the road, the property of individuals: *Provided, however,* That before the commissioners, aforesaid, shall proceed to act, they shall take an oath before some justice of the peace, to faithfully and impartially perform the duties enjoined upon them by this act; and for their services, in travelling, and attending to and performing the duties enjoined them by this act, they shall severally receive five dollars per day, to be paid them by the Rail Road Company: *Provided, further,* That the Lexington and Ohio Rail Road Company shall replace all improvements in the streets, through and over which the rail way shall pass, in the manner in which they are found to be at the time of laying out the rail way, except the rail way or tract itself; and shall, moreover, at all times keep the rail way in good order and free of nuisances to the City, and shall not, by the construction of the rail road, create any nuisances in the City; and on failure to do so, it shall be lawful and proper for the Mayor and Council to cause it to be done at the expense and charge of said company, which costs and expenses shall be recoverable as other debts are, due from the said Lexington and Ohio Rail Road Company.

Proviso.

Proviso.

Sec. 2. *Be it further enacted,* That when said commissioners, or a majority of them, shall agree upon and fix the location of said rail road, through the City of Louisville, they shall cause a statement of the sur-

Comm'rs to  
make out and  
sign a statement  
of their survey.

1833.   vey to be made out and signed by them, and a copy to be delivered to each of the parties; and such statement shall be at all times evidence of the true site and location of said rail road through the City of Louisville.

Location of the  
road thro' other  
towns.

Sec. 3. *Be it further enacted*, That if in the location of said rail road through any town other than Louisville, any difficulties shall arise between the trustees of such town and the Rail Road Company, the said commissioners, or a majority of them, shall, as to every such town in which the difficulty shall arise, locate the road in the manner directed with regard to the City of Louisville.

Rail-road not to  
be used but by  
consent of the  
company.

Sec. 4. *Be it further enacted*, That it shall not be lawful for any person to ride on said rail road or its embankments, or to drive thereon wagons, carts or other vehicles, without the assent of the said company, their agents or servants; and any person offending herein, in addition to the remedy given by the charter of said Rail Road Company, shall be liable to be prosecuted and fined before a Mayor of a City or a justice of the peace in the same manner as is prescribed in other and like cases for trespass and misdemeanor: but nothing in this act shall prevent the offender from being prosecuted, by indictment or presentment, for the offences herein enumerated, if the company elect so to do: *And provided, however*, That nothing in this act shall apply so as to prevent persons from travelling and using such highways as shall be crossed by the rail road, or of crossing the rail way at all points within the City of Louisville, or other towns through which it may pass: *Provided, also*, whenever the said company shall have selected one point below the City of Louisville, which they shall do within the term of one year, their right, under the charter, to select any other point below said City, for the extension of said rail road, shall be understood to terminate and cease, by consent of said company.

Proviso.

Proviso.

[Approved February 2, 1833.]

CHAP. 221.—AN ACT to amend the law regulating proceedings in cases of Ejectments, and Forceful Entries and Detainers.

If a def't in  
ejectment dies

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That when any person, who is, or may hereafter be made, defendant in any

action of ejectment, shall depart this life, it shall be lawful for the court, in which such action is pending at the time of his or her decease, after suggesting the death on the record, to enter judgment against the casual ejector, as though no appearance had been entered, or defendant made: *Provided*, That if there be any tenant or tenants in possession of the land, before judgment is entered as aforesaid, it shall be made appear to the court, either by the return of an officer, or the affidavit of a disinterested person, that such tenant or tenants have been warned by a summons, which it shall be lawful for the court to award, and which it shall be the duty of the clerk to issue, or by a notice in writing, signed by the plaintiff, his lessor or attorney, to appear in court, on a day to be named in the summons or notice, and cause himself, herself, or themselves, to be made defendant or defendants.

Sec. 2. *Be it further enacted*, That the tenant or tenants, or any other under whom they hold, or any other who may have become interested in the title or claim of the deceased defendant, by purchase or descent, shall be at liberty, at any time before, or on the day named in the summons or notice, or at any time before final judgment is entered against the casual ejector, to appear and cause himself, herself, or themselves, to be made defendant or defendants, and plead the general issue; and upon their doing so, or failure to do so, the action, to all intents and purposes, shall be considered as a continuance of the original action.

Sec. 3. *Be it further enacted*, That in the execution of any writ of *habere facias possessionem*, which may issue on such judgment, the officer, to whom directed, shall have power and authority to deliver to the plaintiff, his lessor or attorney, the possession of any land which might be lawfully delivered, if the deceased defendant was still living, and the writ of *habere facias possessionem* had issued on, and in pursuance of, a general verdict and judgment against him: *Provided, however*, That if there be any surviving defendant or defendants to said action, no right, title, interest, claim, or possession, which any such surviving defendant or defendants may have in, or to, the land, shall be in any way otherwise affected by any judgment which may be rendered against the casual ejector, as aforesaid, than as it would have been by a judgment rendered against the deceased defendant only in his lifetime.

1833.

Judgment may be entered against the casual ejector.

Tenants in possession to have notice.

Tenants or persons interested may be admitted to defend.

*Habere facias* in such cases—how executed.

Proviso.

1833.

Mode of proceeding in cases of forcible entry, &c. in case one of the parties die.

**Sec. 4.** *Be it further enacted,* That no case of proceeding, under the law concerning forcible entries and detainers, shall abate by the death of any traversee or traversees, or traversor or traversors, if the death happen after the inquisition of the jury is traversed; but the court, in which such proceeding is pending, shall, on its being made appear that one or more of several traversees or traversors have departed this life, leaving a surviving traversee or traversees, or surviving traversor or traversors, cause such death or deaths to be entered on the record, and thereupon the proceedings shall progress in the name of the survivor or survivors, and the judgment which may be rendered, in such case, shall have the same force and effect, and operation, as if rendered in the lifetime of all the persons who were parties to the traverse; but if it be made appear that all the traversees or traversors have departed this life, it shall be lawful for the court, on the motion of any person interested, to cause an order to be made reviving the case in the name or names of the executor or administrator, heir or devisee, who may be entitled to the interest, or estate in contest, of the deceased traversee or traversor: *Provided, however,* That before trial on the merits, a copy of such order shall be served on the person or persons in whose name or names the case is ordered to be revived, if the order was made on the motion of any other than such person or persons; but if made on his, her or their motion, the adverse party shall be served, in like manner, with a copy of the order, if he, she or they be not in court, and consenting thereto, when the order is made.

Proviso.

[Approved February 2, 1833.]

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CHAP. 222.—AN ACT to amend the several acts against Unlawful Gaming.

Whereas, the laws now in force against unlawful gaming are frequently evaded, to the great injury of the country: For remedy whereof—

**Sec. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That if any person shall hereafter, at any game, hazard or sport, win and receive, himself or to his use, or by another to his use, any moneys, goods, lands or other thing of value whatever, the person losing, his heirs or executors, may, at

Property lost at gaming may be recovered back.

any time, within five years next after the payment of the money, or other property or thing so lost, sue for and recover the same in any court having jurisdiction in like cases; and if the loser, his heirs or executors, do not sue within six months after the money or other thing is so lost and paid, then, any other person may sue for and recover the same, the person first suing shall have the preference after the lapse of six months aforesaid.

1833.

If the person losing does not sue, a stranger may.

Sec. 2. *Be it further enacted*, That it shall be lawful for the judge or the clerk of the court, where the plaintiff shall annex an affidavit to the declaration or petition, that the plaintiff has reason to fear, and does verily believe, that the defendant or defendants will depart from the state, or by other means evade the judgment of the court, so that the plaintiff may lose the benefit of his judgment, unless bail is required, to order bail to be required in such sum as he may deem reasonable, and which order the sheriff or other officer serving the process shall obey, and where the suit shall be before any justice of the peace, such justice as shall issue the warrant may, in like manner, order bail to be required.

Bail may be required in certain cases.

Sec. 3. *Be it further enacted*, That if any person shall be stake-holder of money, bet on any game, sport or pastime whatever, and be notified by the person making the stake or deposit not to pay the same over, but to return it, it shall be the duty of the person so holding the stakes, to forthwith return them to the proper owners, and on failing to do so, he, she or they, so failing, shall be liable to an action therefor, to the party aggrieved.

Stakeholder made liable if he passes over money lost, after being warned not to do it.

Sec. 4. *Be it further enacted*, That in all cases where the persons losing, in consideration of his having lost any money or property, shall pay to the winner, or another to his use, knowing of the unlawful gaming, other money or property, the money or property so paid, shall be liable to the claim of the owner or another, in the same manner as money or property won and paid.

Property lost may be recovered from a third person who has notice of the manner the property was acquired.

And, whereas, it sometimes happens that gamblers and others, their aiders and abettors, assemble in such force as to bid defiance to the civil authority, or are hid and concealed by tavern keepers and others, from the search of those pursuing or intending to arrest them: For remedy whereof—

Preamble.

1833.

Trustees of  
towns may ap-  
point a Marshal

His duty.

Warrants to is-  
sue.

To make search

Doors to be  
opened.

Gamblers sub-  
ject to indict-  
ment.

To give securi-  
ty or be com-  
mitted to jail.

Ca. ss's. may

Sec. 5. *Be it further enacted*, That it shall be the duty of the Mayor and Council of cities in this commonwealth, and lawful for the trustees of towns now established, or which may hereafter be established from time to time, to appoint one or more efficient proper person or persons, to be styled a town or City Marshal, or town or City Marshals, whose duty it shall be to inform on all persons guilty of breaches of the laws against unlawful gaming: and it shall be the duty of such officer to give information to the Mayor of the City, or to some judge or justice of the county, of any or all places in which he believes or suspects that unlawful gaming is carried on, and on such information being supported by affidavit of the informant or informants, the said judge or justice, or mayor, as the case may be, shall issue his warrant authorising such person or persons, and all others that shall attend to aid in the arrest of the gamblers, to enter such suspected place or places, by day or night, and to make search for all gamblers and their tables, or other instruments of their games: and on the production of such warrant, it shall be the duty of the owner or keeper of such house, out house, or other building, forthwith to open the doors of such building, and on refusal or failure to do so, it shall be lawful for the person holding the warrant to open all doors and proceed and make the search, such refusal or failure notwithstanding.

Sec. 6. *Be it further enacted*, That it shall and may be lawful and proper for any person following and pursuing the practice of unlawful gaming, to be prosecuted by indictment or presentment, as a common gambler, and, on conviction, such person shall be bound to keep the peace and be of good behaviour, in a penalty in any sum that the court may deem reasonable, with one or more securities, so long as the judge or court shall prescribe, and on failure to give such bond, it shall be the duty of the court to commit such person to jail, there to remain for twelve months, or until he shall give such bond: and any person so bound, being afterwards guilty of unlawful gaming, during the time for which he stands bound to keep the peace and be of good behaviour, shall forfeit the penalty of the bond, and the same may be recovered and applied as other penalties provided for by this act.

Sec. 7. *Be it further enacted*, That on the judgment of conviction under this act, or any other act against



unlawful gaming, where it is not provided that the offender shall stand committed or the defendant shall not be in custody, the court may order a *capias pro fine*, or the clerk shall, at the instance of the prosecutor or attorney, issue a *capias ad satisfaciendum* or *feri facias* against the defendant, to any county within the state, from time to time, until the whole fine and costs shall be paid.

Sec. 8. *Be it further enacted*, That where any person being indebted, shall lose any lands or slave, or other chattel, it shall and may be lawful for any creditor of the loser, at the time of the unlawful gaming, or before the delivery of the property lost, to levy his execution, and to sell any such property in the same manner as if it were still in the possession, or belonging to the defendant, or to file a bill in chancery, in the same manner and have like redress as is given in cases of debts due from defaulting debtors who make fraudulent conveyances of their property, to hinder, delay or defraud their creditors: *Provided, however*, if execution is not placed in the hands of the officer, or bill filed as herein provided, within six months, or thereafter, before any person shall *bona fide* sue to recover the amount so lost, that such creditor shall be postponed to the person suing: *And provided, further*, That the first suit prosecuted in good faith, according to the provisions of this act, shall have the preference, and that no suit brought or prosecuted collusively or for the benefit of the winner, shall be any bar to a suit or suits prosecuted in good faith.

Sec. 9. *Be it further enacted*, That every person who shall be convicted of being a keeper of a faro table, or other table, tables or instrument used, and at which money is won or lost, contrary to the laws in force prohibiting unlawful gaming, shall be guilty of a high misdemeanor and shall be deprived of the right of suffrage and of holding any office of trust or profit in this Commonwealth.

Sec. 10. *Be it further enacted*, That where any owner or tenant of a house, out house or arbor, or any other place whatever within this Commonwealth, shall permit or suffer any unlawful gaming on a billiard table or any other table, or on, or with any instrument whatever, or shall permit or suffer games at faro, or any other unlawful game or games whatever, at which money or other thing is won or lost, in any such house, out house, arbor or other place, every such owner, ten-

1833.

issue on such judgments to any county.

Property lost may be levied on by a creditor of the loser.

A suit in chancery may be sustained as against a fraudulent debtor.

Proviso.

Convicted gamblers disfranchised.

Penalty on persons for suffering gaming in their houses.

1833.

ant or other superintendent of such house, out house, booth, arbor or other place, shall for every such offence, forfeit and pay, at the discretion of a jury, any sum not less than two hundred dollars and not more than five hundred dollars.

Power of grand  
juries.

Courts to order  
process for wit-  
nesses.

Proviso.

May be com-  
mitted on refus-  
ing to testify.

Sec. 11. *Be it further enacted*, That hereafter the grand juries in this Commonwealth shall have full power, authority and jurisdiction to send for any person or persons, within their respective counties or circuits, to give evidence of breaches of the penal laws, and either on their request, by their foreman, or that of the Commonwealth's Attorney to the court for process, to bring before them any witness or witnesses, it shall be the duty of such court to order process for all such witnesses, and to compel their attendance by due course of law; and it shall be the duty of all witnesses, when sworn to give evidence to grand juries, to detail all facts known to them, touching breaches of the laws against unlawful gaming, notwithstanding neither an indictment or presentment shall be preferred or pending before the grand jury against any one for unlawful gaming: *Provided, however*, That no statement so made by a witness to the grand jury, shall be used against such witness in any prosecution against the witness for unlawful gaming; and if any person, after being thus summoned, shall refuse to be sworn to give evidence to the grand jury, or being sworn shall refuse to give such evidence, it shall be the duty of the court to commit every such witness to close jail, until he shall submit to be sworn or give testimony, as the case may be, and moreover, to inflict a fine on such witness, of not less than ten nor more than thirty dollars, for every such offence and contempt of the authority of the court.

Town Marshal  
to take an oath.

Sec. 12. *Be it further enacted*, That before a town or City Marshal shall proceed to act as such he shall take an oath to be faithful and true to the Commonwealth of Kentucky, so long as he shall continue a citizen thereof, and that he will faithfully, impartially and diligently discharge the duties enjoined on him by law, and that he will endeavor, to the best of his abilities, to detect and bring to justice all gamblers and others, violating the laws against unlawful gaming, and that he will, from time to time, render to the Mayor and Council of the City, or trustees of the town, as the case may be, a just and true account of all moneys or other things seized by him, or which

may come to his possession, under the laws against unlawful gaming.

1833.

Sec. 13. *Be it further enacted*, That it shall be the duty of such Marshal, from time to time, to give information, on oath or affirmation, to the Mayor of the City, or grand jury of the county, or judge of the circuit court, or a justice of the peace of the county, as the case may be, of all persons living within such City or town, who are suspected, and by them believed to be guilty of following the practice of unlawful gaming, as the means of livelihood; and the Mayor of such City or other officer, as the case may be, is hereby empowered and authorised, on such information being lodged before him, to issue his warrant against such suspected person, and to cause him or her to be brought before such Mayor or other officer, as the case may be, to answer to the charge; and if the Mayor or other officer, as the case may be, shall be satisfied, from the evidence, that the charge is well founded, and that such person doth follow gaming as a means of livelihood, it shall be the duty of the Mayor or other officer, to require such gambler to enter into bond, with one or more good securities, in a penalty to be fixed by such Mayor or other officer, to be of good behaviour and to keep the peace, and that he will not be guilty of unlawful gaming within this Commonwealth for the space of twelve months; and on his failing or refusing to do so, to forthwith commit such delinquent to the jail of the county for the term of twelve months, or until he give the bond and security required.

To give information of all gamblers.

Warrants to issue.

If found guilty to give bond.

Otherwise to be committed.

Sec. 14. *Be it further enacted*, That in addition to the perquisites allowed to the Marshal of any City or town, by this act, it shall and may be lawful for the Mayor and Council and trustees of towns, to allow to their respective Marshals such annual salaries as a majority of all the said officers of the City or town may deem reasonable.

Marshal may be allowed a salary.

Sec. 15. *Be it further enacted*, That it shall and may be lawful for the town or City Marshals, as the case may be, to seize all sums of money which may be by them found staked or placed in bank, or otherwise, to be bet or staked, and all tables, vessels or instruments used in any unlawful game or games whatever, and the same to take before the Mayor, or any two justices of the county, or a judge of the circuit court for the county in which the same shall be seized.

May seize money that is staked

1833.

And arrest the  
gamblers.

Money to be  
distributed.

Tables, &c. to  
be broken.

Penalty against  
a delinquent  
Marshal.

Penalty for re-  
sisting officer.

Militia may be  
called on in  
case of resis-  
tance.

Offenders in  
case of escape

ed, and to arrest and in like manner bring before the Mayor, or judge, or justices aforesaid, all persons by them found using or betting at any such tables or instruments, who shall proceed to the trial of the offenders and deal with them according to law, and moreover, take the proof concerning the money or property seized; and if it shall appear to the satisfaction of the Mayor, or judge, or justices, that the money or other thing so seized hath been used, or staked, or betted, or in bank, or in use for the purpose of unlawful gaming, contrary to the laws of this Commonwealth, the Mayor, judge, or justices, as the case may be, shall order the money to be distributed according to the provisions of this act, and the instruments or tables broken, or sold, or destroyed, at their discretion; and on failure of said Marshal to establish the unlawful uses of the money or other property seized, to order the same to be restored to the proper owners.

Sec. 16. *Be it further enacted*, That if any Marshal appointed under this act, and who shall have accepted the office of Marshal, shall neglect or refuse to perform his duty as herein prescribed, and as is prescribed by the several other acts against unlawful gaming, such delinquent shall, for every such neglect or refusal to perform his duty, be liable to a presentment or indictment of a grand jury, and to pay a fine not less than ten nor more than five hundred dollars, at the discretion of a jury.

Sec. 17. *Be it further enacted*, That if any gambler, or person guilty of unlawful gaming, shall forcibly and unlawfully resist any person who may have any warrant to arrest such gambler or person, charged to be guilty of unlawful gaming, the person resisting, and all others aiding and abetting, shall be liable jointly or severally, on conviction by presentment or indictment, to a fine of not less than twenty dollars nor more than five hundred dollars, and to stand committed until the fine is paid.

Sec. 18. *Be it further enacted*, That it shall be the duty of all officers of companies of militia, with such companies and all other citizens of the commonwealth, where resistance or refusal to surrender is made by persons charged with unlawful gaming, when summoned or called on by the Marshal or other officer for the purpose, to assist in the arrest of the offenders or person charged, and on flight of the offender, to pursue to the limits of the county where the offence is

charged to have been committed, and to their utmost to assist in arresting and bringing to justice all such offenders within the limits of their counties respectively; and where any one shall be charged by warrant or indictment with being guilty of unlawful gaming within the limits of any city, town, or county, and shall escape or remove himself, before or after arrest, it shall be lawful for the town or City Marshal, or other officer, to pursue such offender and arrest him any where within the bounds of this commonwealth.

Sec. 19. *Be it further enacted*, That it shall be the duty of the circuit judges of every county in the state, at each and every court, to cause the grand juries of their respective courts to be furnished with the laws against unlawful gaming; it shall moreover be the duty of the Mayor and Councilmen of cities, and of the trustees of towns, to cause fair copies of said laws to be kept in their respective council chambers or places of doing business, for the inspection and use of the citizens of towns and cities, and all others desirous of seeing of them.

Sec. 20. *Be it further enacted*, That in all suits, in common law or chancery, brought to recover any money or property lost at unlawful gaming, justice shall not be delayed for informality, but the court shall permit all needful and necessary amendments in the pleadings, and that money or property may be recovered by action of debt, detinue, or in an action on the case as the plaintiff may elect or his case require; and where the thing lost, or given in consideration of unlawful gaming, cannot be recovered or had, the defendant shall be liable to the value of such thing lost or paid in consideration of gaming; and in all cases where a creditor shall resort to a court of equity, it shall be the duty of the judge or court to decree the value of the property, where the defendant is liable under this act in the opinion of such judge or court, and refuses or fails to surrender the property or thing won to be sold in satisfaction of the complainant's demand: but nothing herein contained shall be so construed, as to prevent the judge or court giving a judgment or decree for property specifically, from carrying such decree into effect by attachment or other compulsory process suited to the case.

Sec. 21. *Be it further enacted*, That upon any trial under this act, it shall be no excuse to any witness called on to give evidence from deposing the whole

1833.

may be pursued throughout the Com'wealth.

Grand juries to be furnished with laws ag'nat unlawful gaming.

Copies to be kept by trustees in their chamber.

Informality not to prejudice the suit.

Form of action allowed.

Mode of recovery.

Decree in chancery.

Proviso.

It shall be no excuse for a witness that he is a party con-

1833.  
cerned, if he is  
not a defendant

Attorneys' fee  
to be taxed.

Limitations to  
the suits, &c.,  
under this act.

This only an  
amendment to  
other acts.

Formality in  
the indictment,  
&c. dispensed with.

Act not to ap-  
ply to racing.

truth, that he is party concerned, or was so, in the unlawful game or gaming, but such witness, not being a defendant under trial, shall be compelled to give evidence notwithstanding such alleged partnership or interest with the accused: but no statement or evidence given by such witness, when so sworn, shall be used against the witness in any trial or proceeding whatever.

Sec. 22. *Be it further enacted*, That there shall be allowed and taxed in the bill of costs, in all prosecutions under this act and the several acts against unlawful gaming, to the prosecuting attorney, where the defendant shall be convicted, a fee of ten dollars; and all prosecutions, suits and actions, under this act, and all prosecutions, suits and actions, under the several acts against unlawful gaming, any thing in said acts to the contrary notwithstanding, may be had and commenced at any time within five years after the cause of action arose, or the offence committed, and not afterwards.

Sec. 23. *Be it further enacted*, That this act shall be construed as an amendment to the several acts against unlawful gaming, and not as repealing any such act, except so far as this act shall provide a different period for the commencement of suits and prosecutions other than those heretofore provided for.

Sec. 24. *Be it further enacted*, That in proceedings by indictment or presentment under this act, no objection shall be taken for any defect in form to any part of the pleadings.

Sec. 25. *Be it further enacted*, That nothing in this act shall be so construed, as to prevent the running of horses in this commonwealth, except as heretofore prohibited by law.

[Approved February 2, 1833.]

CHAP. 223.—AN ACT to amend the law prohibiting the importation of slaves into this state.

Penalty for  
importing  
slaves into the  
state.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That each and every person or persons who shall hereafter import into this state any slave or slaves, or who shall sell or buy, or contract for the sale or purchase, for a longer term than one year, of the service of any such slave or slaves, knowing the same to have been imported as aforesaid, he, she, or they, so offending, shall forfeit

and pay six hundred dollars for each slave so imported, sold, or bought, or whose service has been so contracted for, recoverable by indictment of a grand jury or an action of debt, in the name of the Commonwealth of Kentucky, in any circuit court of the county where the offender or offenders may be found: *Provided, however,* That nothing herein contained shall be construed, to authorise a recovery of the aforesaid penalty from any emigrant or emigrants to this state, for, or on account of, his, her, or their having brought with them any person or persons deemed slaves by the laws of any one of the United States, if such emigrant or emigrants shall, within sixty days after his, her, or their arrival into this state, have taken, before some justice of the peace, the following oath or affirmation, to-wit: I, —, do solemnly swear, (or affirm,) that my removal to the state of Kentucky was with intention of becoming a citizen thereof, and that I have brought with me no slave or slaves with intention of selling them, so help me God. And shall also, within thirty days after taking such oath, have had the same recorded in the office of the clerk of the county court of the county in which the oath or affirmation was taken. Nor shall any thing herein contained authorise a recovery of the penalty aforesaid against any person or persons, for, or on account of, his, her, or their having imported into this state, any slave or slaves, provided he, she or they, prove on the trial, to the satisfaction of the jury, that he, she, or they were travellers or sojourners, making only a transient stay in this state, and brought such slave or slaves for the purpose of necessary attendance, and with the intention of again carrying them out of the state.

1833.

How recovered.

Not to apply to emigrants.

Provided they take an oath.

Provide.

Sec. 2. *Be it further enacted,* That this act shall not be construed to extend to any person or persons who are residents of this state, and who derives title to such slave or slaves by will, descent, distribution, or marriage, or gift in consideration of marriage.

Act not to apply to residents who derive title by will, &c.

Sec. 3. *Be it further enacted,* That for a violation of any of the provisions of this act, an indictment may be found on the information of any one of the grand jury, or on the information of any other credible witness, and no prosecutor shall be necessary.

Indictment—how found.

Sec. 4. *Be it further enacted,* That it shall be the duty of the attorneys for the commonwealth now in office, at their first court after the passage of this act, and every other attorney for the commonwealth who

Commonwealth's attorneys to take an oath to prosecute all

1833.

offenders  
against the act.

Their compen-  
sation.

may be hereafter commissioned, at the time of taking the oath of office, to take a solemn oath that they will faithfully prosecute all offenders against this act within their knowledge, or of which they may be informed, and who may be found within their respective districts: and in each case of conviction, the prosecuting attorney shall be entitled to a fee of twenty per cent. out of the amount collected, and the balance shall be paid into the public treasury, and set apart as a fund, to be under the direction of the Governor, and such other or others as the Legislature may appoint, for colonizing the free persons of color on the coast of Africa.

Not to apply to  
slaves hired out  
of the state  
when bro't back

Sec. 5. *Be it further enacted*, That it shall not be construed an importation, within the meaning of this act, for the owner or owners, after he, she, or they may have hired their slave or slaves to any person or persons out of this state, to bring such slave or slaves to this state, if such owner or owners be citizens of this state, and have in their possession in this state such slave or slaves at the time of the hire.

Justices may  
issue warrants  
and examine  
into the charge.

Sec. 6. *Be it further enacted*, That it shall be lawful for any justice of the peace of this commonwealth, when information on oath shall be given him, that any person or persons have violated this act, to issue his warrant directed to the sheriff, constable, or to some named individual, and cause such person or persons to be apprehended and brought before him or some justice of the peace: and the justice before whom such person or persons shall be brought, shall hold an enquiry into the truth of the charge, and hear the evidence that either party may produce: and if it shall appear to such justice, that such person or persons are guilty of a violation of this act, he shall cause the person or persons, so adjudged guilty by him, to be recognized in the sum of six hundred dollars, with one or more good security or securities, conditioned to appear at the next circuit court for the county and answer the charge, and their failure to give such recognizance, to commit such person or persons to the jail of the county until the recognizance be given: and the justice shall also recognize the witnesses to appear at the same court and testify against such person or persons, and not to depart without the leave of the court.

May recognize  
them.

Prosecutions  
may be com-

Sec. 7. *Be it further enacted*, That any action or prosecution, which shall be brought for a violation of any of the provisions of this act, may be commenced at any



time within five years from the commission of the offence, or the accrual of the cause of action, and not after.

1833.

Sec. 8. *Be it further enacted*, That it shall be the duty of each of the circuit judges in this commonwealth, to give this act in charge to every grand jury empannelled in the courts in which they preside; also, to cause to be brought before the grand jury, to give evidence, any and every person who may be thought by the court or attorney for the commonwealth to have any knowledge of a violation of this act; so much of each and every act or acts of the General Assembly, as comes within the purview of this act, shall be, and the same is hereby repealed.

menaced at any time within five years.

Judges to give the act in charge

Repealing clause.

[Approved February 2, 1833.]

CHAP. 224.—AN ACT to provide for improving the roads in the counties of Floyd and Perry.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Register of the Land Office issue to the county court of Floyd eight hundred dollars worth of land warrants, in warrants of one hundred acres each, free of charge, to be located in Floyd county, and to be applied to the improvements of the public roads in said county, the said roads or parts of roads to be designated by said county court, a majority of said court being present; and said court may appoint some person who may assign said warrants, and the plats and certificates shall be received by the Register, *free of charge*, and patents issue accordingly.

Register to issue land warrants to Floyd county court.

Sec. 2. *Be it further enacted*, That it shall be the duty of the court to appoint some fit person or persons to superintend the improving and repairing such roads or parts of roads, and in such manner as the said court may, by their order, direct: *Provided, however*, The person or persons so designated by said court shall and they are hereby authorised to sell the aforesaid warrants for money or labor, as the court may direct; and it shall be the duty of said court to make such allowance to such person or persons, so designated, as the court may think just, to be paid out of the proceeds of the sale of said warrants.

Comm'rs to be appointed to improve roads.

Sec. 3. *Be it further enacted*, That the Register of the Land Office issue to the county court of Perry

Land warrants to Perry.

1833.

five hundred dollars worth of land warrants, in warrants of one hundred acres each, free of charge, to be located in the county of Perry, and be applied to the improvement of the public roads in said county, the said roads or parts of roads to be designated by said court, a majority of said court being present; and said court may appoint some suitable person who may assign said warrants, and the plats and certificates shall be received by the Register, *free of charge*, and patents issue accordingly.

Perry county  
court to appoint  
superintendent  
of roads.

Sec. 4. *Be it further enacted*, That it shall be the duty of the court aforesad, to appoint some fit person or persons to superintend the improving or repairing such roads or parts of roads as shall be designated by said court, and in such manner as the said court may, by their order, direct: *Provided, however*, The person or persons, so appointed by said court, shall and they are hereby authorised to sell the aforesaid warrants for money or labor, as the court may direct; and it shall be the duty of said court to make such allowance to such person or persons, so appointed, as they may think just, to be paid out of the proceeds of the sale of said warrants.

Land warrants  
to Pike county  
court.

Sec. 5. *Be it further enacted*, That there be, and is hereby appropriated, to the county court of Pike, land warrants to the amount of \$400, to be appropriated by said county court to the improvement of the state road, and such other roads in said county as they may deem advisable; said warrants to be located on any vacant land in said county; the said county court and Register to be governed in all respects by the provisions of the foregoing sections.

[Approved February 2, 1833.]

CHAP. 225.—AN ACT appropriating certain lands for improving the Cannon Creek road, in Harlan County.

Land in Har-  
lan appropriat-  
ed.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Register of the Land Office be, and he is hereby, directed, whenever Mount Percifull, of Harlan county, shall have executed, in the county court of Harlan county, bond with approved security, to the Commonwealth of Kentucky, in a penalty to be fixed by said court, conditioned for a faithful discharge of his duty, as commissioner under this act, to issue, free of expense, in the name

of said Mount Percifull, two hundred dollars worth of land warrants, which may be appropriated on any vacant land in the said county of Harlan. 1833.

Sec. 2. *Be it further enacted*, That said Mount Percifull may, and he is hereby authorised either to sell said warrants, or cause the same, in one or more surveys, to be surveyed on any vacant land as aforesaid; and it shall be the duty of the Register, whenever said surveys may be made and returned, either in the name of said Mount Percifull, or his assignee, to issue patents therefor, as in other cases, but free of expense.

Warrants may be sold.

Sec. 3. *Be it further enacted*, That the warrants aforesaid or the land, when the same or any part thereof is surveyed, may, and it shall be the duty of the said Mount Percifull so to do, be sold and the proceeds thereof applied to improve the Cannon creek road from Mount Percifull's to James Green's, at the foot of Laurel hill, where it intersects the county road.

Proceeds to be applied to improving the roads in said county.

Sec. 4. *Be it further enacted*, That the said Mount Percifull shall, from time to time, report his proceedings, under this act, to the county court of Harlan, which court shall have full power to compel a performance by said Mount Percifull of his duties, prescribed by this act, and may, at any time, put the bond aforesaid in suit for any breach of its condition, and may, a majority concurring, remove said Mount Percifull from authority to act under this act, and appoint any other person, who, when appointed, shall have and possess all the rights, power and authority herein conferred on said Mount Percifull.

Sec. 5. *Be it further enacted*, That should any warrant, which may issue under this act, be surveyed on any appropriated land, any patent which shall issue thereon shall be void to all intents and purposes.

[Approved February 2, 1833.]

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CHAP. 226.—AN ACT for the benefit of the Lexington and Ohio Rail Road Company.

Whereas, the Lexington and Ohio Rail Road Company is, by its charter, authorised to borrow the sum of three hundred thousand dollars, to aid in the construction of the road, and it being desirable that the

1833.

Company may  
borrow money  
and pledge the  
credit of the  
Com'wealth.

Loan not to ex-  
ceed one half  
the amount of  
stock paid in,  
and when re-  
deemed.

A statement of  
the amount  
paid in and a  
bond of Pres't  
and Managers  
to be transmit-  
ted to Auditor,  
who is to en-  
dorse the bonds  
of the company

work should be completed at an early day: There-  
fore—

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the Lexington and Ohio Rail Road Company to borrow one hundred and fifty thousand dollars, at a rate of interest not exceeding six per cent. per annum; and to issue bonds therefor under the seal of the corporation, signed by the President thereof and countersigned by its Treasurer: for the redemption of which, and the due payment of interest thereon to the owners of said bonds, the faith and credit of this Commonwealth is hereby pledged.

Sec. 2. *Be it further enacted,* That the bonds hereby authorised to be issued, shall not, at any time, exceed in amount the one half the sum which shall actually have been paid in by the stockholders of the Lexington and Ohio Rail Road Company, as capital stock in the institution; which bonds shall be redeemable between the periods of the first day of January, one thousand eight hundred and forty-five, and the first day of January, one thousand eight hundred and fifty-five.

Sec. 3. *Be it further enacted,* That whensoever the President of the Lexington and Ohio Rail Road Company shall transmit to the Auditor of Public Accounts of this Commonwealth, a statement of the amount that has been actually paid to the company by the stockholders therein, in part of their capital stock, and appropriated to the lawful purposes of the company, attested by the oath or affirmation of their Treasurer, and a bond executed by the President and Directors of the Lexington and Ohio Rail Road Company, for the time being, binding them in their individual capacity, conditioned that they will faithfully, and according to the true intent and meaning of this act, apply all moneys raised on said bonds, and that of the stockholders, and that the money expended by them raised by the bonds hereby authorised shall not, at any time, exceed one half of the money expended of the private stockholders, towards the construction of the roads, and furthermore, that they will faithfully pay over to the treasury of this state, all sums raised on the bonds authorised to be issued as aforesaid, that shall remain in their hands at the end of three years after the passage of this act: and that they will, in case of a new board being elected to supersede them, deposite to the

1833.

credit of the treasurer of the state, any balance of such sums as are by them unexpended, to be in his hands subject to the order of their successors in office, on their giving a new bond or bonds according to the provisions of this act; and the form of the bonds thus given are approved by the Attorney General of this Commonwealth, that then he, the said Auditor, shall be, and is hereby, authorised to pledge the faith and credit of the Commonwealth of Kentucky, by endorsement on the back of the bonds hereby authorised to be issued, and in the following words, to-wit: "This is to certify, that by an act of the General Assembly of the Commonwealth of Kentucky, the faith and credit thereof is pledged for the payment of the interest and principal of the debt created by the within," which shall be signed by him.

Sec. 4. *Be it further enacted*, That whenever any holder of any such bonds shall desire to transfer the same, or to divide any bond he may hold, or to consolidate any such bonds, he may do so by surrendering the same to the President and Directors of said company, or an agent appointed by them for that purpose, and thereupon, the said company may issue new bonds, in form as before prescribed, for the amount of such as shall have been surrendered; and upon the surrender of the cancelled bonds to the Auditor of Public Accounts, he is authorised to endorse upon the new bonds issued, the same pledge and in the same words as is provided in the third section of this act, which cancelled bonds shall remain in the office of the Auditor of Public Accounts.

Bonds of the company may be transferred, divided or consolidated.

Sec. 5. *Be it further enacted*, That for the purpose of completely securing the Commonwealth of Kentucky from any risk or responsibility incurred by the pledge of its credit as aforesaid, the Auditor of Public Accounts, with the advice of the Attorney General of this Commonwealth, is hereby authorised and required, before he endorses the bonds hereby authorised to be issued, or any part thereof, to obtain from the Lexington and Ohio Rail Road Company, under their corporate seal, attested by their President, an assignment, by way of mortgage, of all its lands, tenements, machinery, or other property of whatsoever description it may hold or possess, or may hereafter hold or possess, including their interest in said road and all their stock laid out and expended on said road, with all its rights and privileges now held by virtue of the

All the property of the company to be mortgaged to the state as an indemnity.

1833.

May be sold if  
the bonds be  
not paid.

laws of this commonwealth, and which may be granted: which mortgage, or other instruments to be taken, shall be made, to the Commonwealth of Kentucky, and shall be recorded in the office of the Clerk of the Court of Appeals of this Commonwealth, in the same manner, and for the same purposes, that deeds and other conveyances of real estate are there recorded. And in case of the non-payment of the interest on said bonds, at the time or times stipulated for the payment thereof, or in case of the non-redemption of the bonds at the time appointed therefor, that then, and in either case, it shall and may be lawful for the Auditor of Public Accounts to sell the premises pledged in said assignment or mortgage, or such parts or portions thereof, as he, the Auditor, may in his discretion elect, to the highest bidder, at public auction, for ready money, at the capitol in the town of Frankfort, after due notice thereof being published in some authorised newspaper, printed in the town of Frankfort, for six calendar months preceding said sale; and upon said sale, the Auditor will be, and is hereby, authorised to confer a title upon the purchaser or purchasers of said estate so sold, (in the event of a sale thereof,) by deed or other appropriate conveyance: or the said Auditor may, with the advice and approbation of the Governor and Attorney General of this Commonwealth, bid for and purchase the same, or any part thereof, for and on behalf of the Commonwealth of Kentucky, for such sum as the Commonwealth shall then be liable for, on account of its faith and credit being so pledged as aforesaid, if in their opinion it shall be necessary for the better security of the people of this Commonwealth. And in case said company shall faithfully comply with the provisions aforesaid, in the redemption of the bonds as aforesaid, and in the payment of the interest thereon, then, and in that case, the Auditor of Public Accounts shall release, discharge, cancel, and give up to said company all, and all manner of conveyances, or securities, to be taken as aforesaid, from the said company, and the said company shall be fully released and discharged from the same for ever.

If the bonds be  
paid, mortgage  
to be cancelled.

Com'wealth  
may convert  
bonds so endorsed  
into stock in  
said company.

Sec. 6. *Be it further enacted*, That from the date of the passage of this act, and until two years after the Lexington and Ohio Rail Road shall have been in use from Lexington to Frankfort, the right is reserved to the commonwealth to convert the bonds and certificates, herein authorised to be issued, or any part there-

of, into stock in the said Rail Road Company at its par value; that is to say, for each one hundred dollars of the said bonds and certificates, a certificate for a share of the capital stock, in said Rail Road Company, of equal amount, shall be issued to the commonwealth, and held by it; and on which said stock, the same rate of dividends shall be made, and at the same time paid over to the proper officer of this government, for the benefit of the people of this commonwealth, as are made and paid over to the other stockholders in said company. And in place of the stock, which may be held by this commonwealth, being represented and voted at the meetings held by the stockholders in the said company, the right and privilege is reserved and conceded, to the people of this state, of appointing one Director for every one hundred thousand dollars of the capital stock, which may be held at the time, in the said road, by this commonwealth: which appointment of Directors, made in behalf of the state, and in pursuance hereof, shall be made annually, and be done in the manner prescribed by the act establishing the Bank of the Commonwealth, for the appointment of Directors in that institution.

1833.

[Approved February 2, 1833.]

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CHAP. 227.—AN ACT to divide the State into Congressional Districts.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That this state be, and is hereby divided into thirteen congressional districts, as follows: The first district shall be composed of the counties of Hickman, Calloway, Graves, McCracken, Livingston, Caldwell, Trigg and Union; the second district shall be composed of the counties of Christian, Hopkins, Henderson, Muhlenburg, Butler, Ohio, Daviess and Hancock; the third district shall be composed of the counties of Todd, Logan, Warren, Edmonson, Simpson, Allen, Monroe and Barren; the fourth district shall be composed of the counties of Cumberland, Adair, Russell, Wayne, Pulaski, Rockcastle, Whitley and Casey; the fifth district shall be composed of the counties of Lincoln, Garrard, Jessamine, Mercer and Anderson; the sixth district shall be composed of the counties of Green, Hardin, Hart, Grayson, Breckenridge and Meade; the seventh district shall be composed of the counties of Washing-

State laid off  
into districts.

1833.

ton, Nelson, Bullitt and Spencer; the eighth district shall be composed of the counties of Jefferson, Oldham, Shelby and Henry; the ninth district shall be composed of the counties of Madison, Laurel, Knox, Harlan, Clay, Perry, Estill, Pike and Floyd; the tenth district shall be composed of the counties of Clarke, Fayette, Woodford and Franklin; the eleventh district shall be composed of the counties of Montgomery, Bath, Morgan, Lawrence, Greenup, Lewis and Fleming; the twelfth district shall be composed of the counties of Bracken, Mason, Nicholas, Bourbon and Pendleton; the thirteenth district shall be composed of the counties of Scott, Harrison, Grant, Campbell, Boone, Gallatin and Owen.

Elections, when held.

Sec. 2. *Be it further enacted*, That on the first Monday in August next, and on the same day every two years thereafter, the qualified voters in the several districts aforesaid, at the places they vote for representatives for the state Legislature, shall also vote for some fit person, who shall reside in this state, being twenty-five years of age, and having been seven years a citizen of the United States, to represent them in Congress two years, from the third of March, 1833.

Sheriffs, when to meet.

Sec. 3. *Be it further enacted*, That the sheriffs of the several counties in each district, shall, on the fifteenth day after the commencement of their elections, assemble at the places hereinafter designated, in each of their respective districts, and there, by faithful comparison and addition, ascertain the person elected in their districts.

Where to meet in the several districts.

Sec. 4. *Be it further enacted*, That the sheriffs for the first district shall meet at the court-house in the county of Caldwell; the sheriffs for the second district, at the court-house in the county of Muhlenburg; the sheriffs for the third district, at the court-house in the county of Warren; the sheriffs for the fourth district, at the court-house in the county of Pulaski; the sheriffs for the fifth district, at the court-house in the county of Mercer; the sheriffs for the sixth district, at the court-house in the county of Grayson; the sheriffs for the seventh district, at the court-house in the county of Nelson; the sheriffs for the eighth district, at the court-house in the county of Oldham; the sheriffs for the ninth district, at the court-house in the county of Clay; the sheriffs for the tenth district, at the court-house in the county of Fayette; the sheriffs for the eleventh district, at the court-house in the



county of Fleming; the sheriffs for the twelfth district, at the court-house in the county of Nicholas; and the sheriffs for the thirteenth district, at the court-house in the county of Grant.

1833.

Sec. 5. *Be it further enacted*, That if, after comparing the polls in any one district, it shall so happen that two or more candidates stand equal in number, the sheriffs, so assembled, shall vote for one of them; and if, after such vote, an equal number shall remain, in that case the sheriffs shall determine by lot which of the candidates shall be returned elected. After having ascertained, as before directed, the person elected in such district, the sheriffs thereof shall make out a certificate of the election of the person in their district, which shall be signed by all the sheriffs of the district, and which shall be lodged with the sheriff of the county wherein the polls are compared, and by him, together with a copy of the polls, transmitted to the Secretary of State.

If there is a tie the sheriffs shall decide the election.

Certificates of election to be made out.

Sec. 6. *Be it further enacted*, That the sheriffs, so assembled to compare the polls, and for transmitting the necessary papers to the Secretary, shall be entitled to one dollar and fifty cents for every twenty-five miles in going to and returning, and two dollars per day for every day while there necessarily, to be paid as heretofore.

Allowance to sheriffs.

[Approved February 2, 1833.]

CHAP. 228.—AN ACT to incorporate a Company to establish a Turnpike Road from the City of Louisville, by the Mouth of Salt River, Elizabethtown, Munfordsville and Bowlinggreen, to the State line, in the direction to Nashville.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be, and the same is hereby, formed, for the purpose of making a road from the City of Louisville, by the Mouth of Salt River, Elizabethtown, Munfordsville, on Green River, and Bowlinggreen, to the state line, in a direction to Nashville, Tennessee, under the name and style of the Louisville Turnpike Road Company.

Company incorporated to construct a road

Sec. 2. *Be it further enacted*, That the capital stock of said company shall be five hundred thousand dollars, divided into shares of one hundred dollars each.

Amount of capital stock.

Sec. 3. *Be it further enacted*, That books for subscriptions in the stock of said company shall be open-

Books for subscription of

1833.

stock to be  
opened in Lou-  
isville, Eliza-  
bethtown, Mun-  
fordsville, Glas-  
gow, Bowling-  
green, Frank-  
lin, &c.

Comm'rs ap-  
pointed to open  
books.

Form of the ob-  
ligation to be  
signed by the  
subscribers.

ed, on the first Monday in May next, at Louisville, Elizabethtown, Munfordsville, Glasgow, Bowlinggreen, Franklin, Russellville, Brownsville, Litchfield and Greensburg, under the direction of the commissioners hereinafter named: that is, at Louisville, under the direction of James W. Thornberry, George Keats, Isaac Miller, Joseph Read, William Lewis, Benjamin Cawthorn, Patrick H. Pope, Robert Miller and John Jones, (tanner;) at Elizabethtown, under the direction of James Crutcher, Geo. Roberts, Benjamin Helm, Horatio G. Wintersmith and Samuel Haycraft; at Munfordsville, under the direction of George T. Wood, Thomas Munford, Samuel Garvin and Aylett H. Buckner; at Glasgow, under the direction of William Edmunds, William Porter, William Savage, Henry Crutcher and Richard Garnett; at Bowlinggreen, under the direction of John Lucas, Matthew W. Henry, James R. Skyles, Jacob Vanmeter and John W. Covington; at Franklin, under the direction of John Finn, Henry B. Montague, John L. Moore, James K. McGoodwin and Thomas Hale; at Russellville, under the direction of Richard Bibb, Jr., Samuel Wilson, Samuel H. Curd, Marmaduke B. Morton and John M. Shirley; at Brownsville, under the direction of John Rountree, Augustus M. Barrett, William Anderson, Walter Rodes and Thomas Ray; at Litchfield, under the direction of John Cunningham, James H. Wortham, Jack Thomas, Abraham Neighbours and William Cunningham; at Greensburg, under the direction of John Barrett, Walter Lisle, William Allen, Hugh Mitchell and William D. Barrett. The commissioners, named at each of the before mentioned places, shall procure one or more books, and in each of them enter as follows: "We whose names are hereunto subscribed, do promise to pay to the President, Managers and Company of the Louisville Turnpike Road Company the sum of one hundred dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the President and Managers of said company, and agreeable to the act of the General Assembly of the Commonwealth of Kentucky to incorporate a company for making an artificial road, by the best and nearest route from Louisville, (by the Mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen,) to the state line, in a direction to

Nashville, Tennessee: witness our hands this — day of —, in the year of our Lord one thousand eight hundred and —.” The said commissioners shall give notice, in one or more of the public newspapers printed at each of the places where books for subscriptions shall be opened, at which time and place they will be opened at, to receive subscriptions for stock in said company, at which respective times and places some one or more of said commissioners, above named at each place, shall attend and permit all persons of lawful age, bodies corporate and politic, who shall offer to subscribe in said books, in their own name, or names of any other person who shall duly authorise the same, for any number of shares in the said stock. The said books shall be kept open respectively, for the purpose aforesaid, by adjournment from place to place and from time to time, until the whole number of shares shall be subscribed, of which adjournments the said commissioners shall give such notice as the occasion may require: *Provided*, That every person offering to subscribe in the said books, in his own or any other name, shall previously give to the attending commissioners their note, payable sixty days after the company shall be organized and the President and Managers shall be elected, for the amount of ten dollars for every share to be subscribed: *And provided, also*, That no subscriber for stock shall be bound to pay off his stock, nor shall the President and Managers have power to call in more of said stock, than ten dollars on each share in any sixty days.

Sec. 4. *Be it further enacted*, That the commissioners, before mentioned, shall, after their respective books have been kept open for one month, send, as soon as possible thereafter, the whole amount or number of shares subscribed on their respective books to the commissioners at Louisville, whose duty it shall be, if it appears that five hundred shares have been subscribed, to give notice to the commissioners at each place where books have been opened, of the actual number of shares taken, and the number at each place; and likewise, as soon as may be thereafter, to give at least sixty days notice, from the first publication, in one or more of the public papers printed at Louisville and Bowlinggreen, that the number of shares required by the act of incorporation, to organize the company, have been subscribed, and that an election will

1833.

Notice to be given of the time and place of receiving subscriptions.

Who may become subscribers.

Books to be kept open until the stock shall be subscribed and taken.

Provide.

Further provide.

Payment of stock, when to be made.

Notice to be given as soon as 500 shares have been subscribed that the officers will be elected

1833.

A President, 25  
Managers,  
Treasurer, &c.  
to be elected  
annually.

To make by-  
laws.

Company then  
incorporated,  
and style there-  
of.

Corporate pow-  
ers.

May enlarge  
the capital  
stock.

Authorized to  
hold and sell  
real and per-  
sonal estate.

To sue and be  
sued, &c.

Regulations as  
to voting on the  
stock.

be held at the court-house in the town of Munfordsville, to choose, by a majority of the votes of the subscribers, by ballot, to be delivered in person or by proxy, duly authorised, one President, twenty-five Managers, one Treasurer, and such other officers as they may think necessary, to conduct the business of the said company for one year, or until other such officers shall be chosen; and shall make such by-laws, rules, orders and regulations, not inconsistent with the constitution of the United States and of this Commonwealth, as shall be necessary for the well-ordering the affairs of said company; and whenever the said company shall be so organized, they shall be a body politic and corporate, in deed and in law, by the name, style and title of the President, Managers and Company of the Louisville Turnpike Road, and by the said name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding the said capital stock, and the increase and profits thereof, and of enlarging the same, from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act; and of purchasing, taking and holding, to them and their successors and assigns, and of selling, transferring and conveying, in fee-simple, all such lands, tenements, hereditaments and estate, real or personal, as shall be necessary to them, in the prosecution of their works; and of suing and being sued, implead and to be impleaded, answer and be answered, defend and be defended, in courts of record or any other place whatsoever; and also to make, have and use a common seal, and the same to break, alter and renew at pleasure, and do all and every other matter and thing which a corporation or body politic may lawfully do.

Sec. 5. *Be it further enacted*, That the number of votes to which each stockholder shall be entitled shall be according to the number of shares he shall hold, in proportion, as follows: For every share under five, one vote; for every two shares over five, and not exceeding ten, one vote; for every four shares over ten, and not exceeding thirty, one vote; for every six shares over thirty, and not exceeding sixty, one vote; for every eight shares over sixty, and not exceeding one hundred, one vote; and for every ten shares over one hun-

dred, one vote; and after the first election, no share or shares shall confer a right of voting which shall not have been holden three calendar months previous to the day of the election; all stockholders who are residents of the United States, and no others, may vote by proxy, provided the proxy be a citizen of this state; none but a stockholder shall be eligible as a President, Manager, or Treasurer; and every President, Manager, or Treasurer, as the case may be, shall cease to be such upon his ceasing to be a stockholder.

1833.

Proviso.

Sec. 6. *Be it further enacted*, That the stockholders in said company shall meet on such day, in every year, at such place as shall be fixed by the by-laws, for the purpose of choosing officers as aforesaid, for the ensuing year, in manner aforesaid, and at such times as they shall be summoned by the managers, in such manner and form as shall be prescribed by their by-laws: at which annual or special meetings they shall have power and authority to make, alter, or repeal, by a majority of votes, in manner aforesaid, all such by-laws, rules, orders, and regulations, as aforesaid, and to do and perform any other corporate act.

Annual and special and meetings of the stockholders may be held.

Sec. 7. *Be it further enacted*, That the President and Managers first chosen as aforesaid, shall procure certificates to be written or printed for all the shares of the stock of said company, and shall deliver one such certificate, signed by the President and countersigned by the Treasurer, and sealed with the common seal of the said corporation, to each person, for every share by him subscribed and held: which certificate shall be transferable, at his pleasure, in person or by attorney, in the presence of the President, Secretary, or Treasurer, subject however to all payments due and to become due thereon: and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for that purpose, shall be a member of said corporation, and every certificate by him held shall be entitled to one share of the capital stock, and of all the estates and emoluments of the company, and to vote as aforesaid at the meeting thereof.

Certificates of stock to be issued.

May be transferred.

Sec. 8. *Be it further enacted*, That the said President and Managers shall meet at such times and places, and be convened in such manner, as shall be agreed on, for transacting their business, at which meeting six members shall form a quorum, who, in the absence of the President, may choose a chairman, and

Six members to form a quorum.

1833.

The Pres't and Directors to appoint their officers and agents and fix their salaries.

Regulate the payment of stock, &c.

Penalty on the stockholders for a neglect or refusal to pay the stock subscribed

Or the stock may be forfeited therefor and sold.

Or recovered by suit from the defaulting stockholder.

Proviso.

shall keep minutes of all their transactions fairly entered in a book; and a quorum being met, they shall have power and authority to agree with and appoint all such surveyors, superintendents, artists and officers, as they shall adjudge necessary to carry on the intended works, and to fix their salaries or wages; to ascertain the time, manner, and proportions, when the stockholders shall pay the money due on their respective shares, in order to carry on the work; to draw orders on the Treasurer for all money necessary to pay the salaries or wages of persons by them employed, and for the labor done and materials provided in the prosecution of the work, which orders shall be entered or registered in the book of minutes, and shall be signed by the President or, in his absence, by the chairman of the board; and generally to do all such other acts, matters and things, as by the by-laws, rules, orders, and regulations of the company, shall be committed to them.

Sec. 9. *Be it further enacted*, That if any stockholder, original subscriber, or assignee, after thirty days notice in the public papers before mentioned, of the time and place appointed for the payment of any proportion or instalment of said capital stock, in order to carry on the work, shall neglect to pay such proportion for the space of thirty days after the time appointed for the payment thereof, every stockholder, in addition to the instalment so called for, shall pay at the rate of five per centum per month for every delay of such payment; and if the same and the additional penalty shall remain unpaid for such space of time, as that the accumulated penalty shall become equal to the sums before paid, in part and on account of, such share, the same shall be forfeited by and to the said company, at any public meeting of the managers thereof, and may be sold by them to any other person or persons willing to purchase, for such price as can be had therefor: or, in default of payment by any stockholder, of any such instalment as aforesaid, the said President and Managers may, at their election, cause suit to be brought in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid, or before a justice of the peace, as the case may be: *Provided*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, unless the

whole sum, due and payable as aforesaid, on the share or shares by him held at the time of such election, or general or special meeting of said company, shall have been fully paid and discharged as aforesaid.

1833.

Sec. 10. *Be it further enacted*, That it shall be the duty of the commissioners, and they are hereby authorized, after five hundred shares shall have been subscribed, and notice given for the stockholders to meet for the purpose of electing a President and Managers, as before directed, for them to employ such a number of surveyors, engineers, artists, and chain carriers, as they may think necessary, and to enter into, and upon, all and every the lands and enclosures, public roads and highways, in, through, and over which the said intended road may be thought proper to pass, and to survey and examine the ground most proper for the purpose, and the quarries or beds of stone and gravel, and other materials necessary for the completion of said road, and to cause a map or chart of the same to be made, from point to points, as before laid down, combining shortness of distance with the most practicable ground: *Provided*, That on the commissioners differing in opinion as to the most proper route, the difference shall be determined by the votes of the commissioners, a majority of the whole concurring, to fix on the route: and after so agreed on, the commissioners shall lay the plan and the chart of said road before the general meeting of the stockholders, at their first meeting to elect a President and Managers, and, if approved of by the general meeting of the stockholders, it shall be the route and site of the said road; all the expenses necessarily incurred in the examination, marking, and surveying the route for the said road, shall be certified to the President and Managers of said company by the commissioners aforesaid, who shall pay and defray the expenses, so incurred, out of the funds of the company: *Provided*, That in case the said commissioners shall fail, refuse, or neglect to run out and mark said route, and report to the first meeting of the stockholders, or that the stockholders shall disagree to the route laid down by the commissioners, then, and in that case, it shall be the duty of the President and Managers of said company to perform the duties as is laid down in the eleventh section of this act.

Comm'rs authorized to employ engineers, surveyors, &c. to examine the route, &c.

Maps of the route to be made out and returned.

Proviso.

To be laid before the stockholders for their approval.

Expenses of the surveys to be paid by the President and Directors.

Or the President and Directors may perform that duty if the company fail, or the stockholders disagree as to the route.

Sec. 11. *Be it further enacted*, That it shall and may be lawful to and for the said President and Man-

The President and Managers au-

1833.

thorized to survey and examine the land, &c. of individuals for the purpose of fixing the site of the road.

agers, their superintendents, surveyors, engineers, artists and chain bearers to enter into and upon all and every the lands and inclosures, public roads and highways, and through and over which the said intended turnpike road may be thought proper to pass, and to examine the ground most proper for the purpose, and the quarries and beds of stone and gravel, and other materials in the vicinity, that will be necessary in making and constructing the said road, and to survey, lay down, ascertain, mark and fix thereon, such route or track for the said road, as in the best of their judgment and skill, may combine shortness of distance with the most practicable ground, from Louisville, by the Mouth of Salt river, Elizabethtown, Muntfordsville, Bowlinggreen, to the state line, in a direction to Nashville, in Tennessee.

The Pres't and Managers authorized to enter upon lands, &c. of individuals:

Upon payment of the damages.

Damages, how ascertained.

Proviso.

Sec. 12. *Be it further enacted*, That it shall and may be lawful to and for the said President and Managers, by and with their superintendents, engineers, artists, workmen and laborers, with their tools and instruments, carts, wagons, sleds and other carriages, and beasts of draught and burthen, to enter upon the lands in, and contiguous, and near to which the route and track of the said intended road shall pass, having given notice of the intention to the owners or occupiers thereof or their agents, and making amends for any damages that may be done thereon, the amount thereof, if they cannot otherwise agree upon, to be ascertained by an appraisement, made upon oath or affirmation, by thirteen disinterested freeholders, mutually chosen, any nine of them agreeing; or if the owners, occupiers or their agents, upon due notice, shall neglect or refuse to join in the choice, then the said freeholders shall be appointed by any disinterested justice of the peace for the county where such valuation is to be made; and upon tender of the appraised value, it shall be lawful for the said President and Managers to open and mark the said road, and to dig, take and carry away any stone, gravel, sand, earth or other materials, there being most conveniently situated, for making or repairing the said road: *Provided, always*, That the freeholders, chosen or appointed as aforesaid, in making said valuation shall take into consideration the advantages and disadvantages arising to the proprietors of such land on account of said road: and where no damage shall be assessed, the owner of the land shall pay the costs and expenses incurred by such appraisement.



Sec. 13. *Be it further enacted*, That the said President, Managers and Company shall have power to erect permanent bridges over the creeks and waters crossed by said route or track, whereon the same shall be found necessary, and shall cause a road sixty feet in width to be laid out and made, from the City of Louisville, by the Mouth of Salt river, Elizabethtown, Munfordsville, Bowlinggreen, to the state line, in a direction to Nashville in Tennessee, of which sixty feet the said President, Managers and Company shall be bound to make an artificial road at least twenty feet in width, of firm, compact and substantial materials, composed of gravel, pounded stone, or other small, hard substances, in such a manner as to secure a good foundation and an even surface, so far as the nature of the country and the materials will admit, in the whole length or extent of the said road, whenever it shall be necessary and the natural surface shall require it, so as to fulfil the duties of the said company towards the public, and to conform to the true intent and meaning of the present act, and shall for ever hereafter maintain and keep the same in good repair: *Provided*, That no toll be demanded or taken from any persons passing or re-passing from one part of his or her farm to another, or to and from any place of public worship or funeral, or from militia men on days of training or of attending courts martial, or from electors going to and returning from the same.

Sec. 14. *Be it further enacted*, That as soon as the said President, Managers and Company shall have perfected any distance of said road not less than five miles, and so, from time to time, any distance not less than five miles progressively from the same towards either of the places aforesaid: they shall give notice thereof to the Governor of this commonwealth, who shall thereupon forthwith nominate and appoint three judicious and disinterested persons to view and examine the same, and report to him whether the road is so far executed in a complete and workmanlike manner, according to the true intent and meaning of this act, and if their report shall be in the affirmative, then the Governor shall, by license under his hand, and the seal of the Commonwealth, permit and suffer the said Managers and Company to erect and fix such and so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect the tolls and duties hereinafter granted to the said company,

1833.

Permanent bridges to be erected over water courses.

Road to be 60 feet wide.

Twenty feet thereof to be M<sup>d</sup> Adamized with pounded stone.

And kept in good repair.

Certain exemptions from the payment of toll.

The Governor authorized to license toll gates every five miles distance on said road when completed.

1833.

Regulations as  
to the erection of  
gates, payment  
of toll, &c.

from all persons travelling with horses, cattle, or carriages: *Provided always*, That no gate shall be erected, nor toll demanded from any person or persons travelling said road, until after the license aforesaid shall have been granted, under a penalty of ten dollars, to be recovered as debts of the same amount are recoverable, for every such offence: which said penalty, when recovered, shall be paid over to the clerk of the county where the offence happened; nor shall any gate be erected within a less distance than one mile of the City of Louisville, or the towns of Elizabethtown, Munfordsville, and Bowlinggreen, or any other town.

Tolls allowed  
said company  
at the several  
gates to be  
erected.

Rates of toll  
allowed.

Sec. 15. *Be it further enacted*, That so soon as any gate shall be erected as aforesaid, it shall be lawful for the President and Managers to appoint such and so many toll-gatherers as they may think proper, to collect and receive of, and from, all and every person or persons using the said road, the tolls and rates hereinafter mentioned, and to stop any person riding, leading, or driving any horse or mule, or driving any cattle, hogs, sheep, sulky, chair, chaise, phaeton, cart, wagon, or any other carriage of pleasure or burthen, from passing through said gate or turnpike, until they shall have paid toll agreeably to the following rates, to-wit: For every twenty head of sheep, hogs, or other small stock, six and a fourth cents; for every ten head of cattle, six and a fourth cents; for every horse, mule, ass, or other four footed animals of a larger kind, except cattle, four cents; for every two-wheel pleasure carriage, eight cents, exclusive of the beasts by which it is drawn and the person or persons transported by it; for every four-wheel pleasure carriage, sixteen cents, exclusive as above; for every cart, wagon, or other carriage of burthen, whose wheels shall not exceed four inches in width, twenty-five cents; for every such carriage of burthen, whose wheels shall exceed four inches and shall not exceed six inches in width, twenty cents; for every such carriage of burthen, whose wheels shall exceed six inches in width, fifteen cents, exclusive of the beasts by which it is drawn.

Penalty for vio-  
lating the rights  
of the company  
by refusing to  
pay or evading

Sec. 16. *Be it further enacted*, That if any person or persons driving, riding, or driving any carriage of burthen or pleasure as aforesaid, or owning, riding, leading, or owning any horse or mule, or driving any hogs, sheep, or cattle as aforesaid, shall, with an intent to

defraud the said company, or to evade the payment of any of the tolls or duties aforesaid, pass through any private gate or bars, or along or over any passage way, or along or over any ground near to or adjoining any turnpike or gate, which shall be erected in pursuance of this act, or if any person or persons shall, with the intent aforesaid, take off, or cause to be taken off, any horse or other beast or cattle of draught or burthen, from any carriage of burthen or pleasure, or shall practice any other fraudulent means or device, with the intent to evade or lessen the payment of any such toll or duty, all and every such person or persons, offending in manner aforesaid, shall, for every such offence, respectively forfeit and pay to the President, Managers and Company of the Louisville Turnpike Road, the sum of five dollars, to be sued for and recovered with costs of suit, before any justice of the peace for the county where the offence happened, in like manner, and subject to the same rules and regulations, as debts of equal amount are or may be by law recoverable.

1833.

the payment of tolls.

How recovered.

Sec. 17. *Be it further enacted*, That if at any time the said road shall be out of repair for the space of ten days, it shall and may be lawful for any person to call on any two justices of the peace of the county through which said road passes, to go and inspect said road: and if upon inspecting the same, and receiving proof that it had been out of repair ten days, the said justices shall, by their order, delivered to the Treasurer of said company, or, in case of his absence, to the President, or any of the toll-gatherers, direct that no toll or duty shall be received on said road, until the same shall be repaired and put in good order: and if any toll shall be taken or demanded, after the delivery of such order, the said company shall forfeit and pay the sum of five dollars for each and every offence, to be recovered as other debts of like amount, and upon service of proof upon the acting President of said company, or any toll-gatherer: *Provided, however*, That said recovery shall only be had against the company, for the unlawful demand of the toll-gatherer nearest to that part of the road so declared to be out of repair: *And provided further*, That there shall have been sufficient time to inform the gate-keepers of said order having been delivered to the President or Treasurer, where that is the fact; and upon said road being repaired, the President and Directors shall call

The collection of tolls to be suspended when the road is out of repair, and the mode of proceeding therein, and for receiving collections.

Provide.

1833.

two justices of the peace, in like manner, to examine the same: and if they shall be of opinion that the said road is in repair, they shall certify the same, and direct that the toll shall be demanded and taken at the gate or gates, agreeably to the provisions of this act.

An account of receipts and disbursements to be made out and exhibited to the stockholders annually.

Sec. 18. *Be it further enacted*, That the President and Managers of the said company shall keep fair and just accounts of all moneys which shall be received by them from the subscribers for stock of the said company, on account of their several subscriptions, and of all penalties for the delay in the payment thereof, and of the amount of the profit on the shares which may be forfeited as aforesaid, and also of all moneys by them expended in the prosecution of their work; and shall once, at least, in every year, submit such accounts to a general meeting of the stockholders, until the said road shall be completed, and until all the costs, charges and expenses of effecting the same shall be fully paid and discharged, and the aggregate amount of such expenses shall be liquidated and ascertained; and if upon such liquidation, or whenever the whole capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will not be sufficient to complete the said road, according to the true intent and meaning of this act, it shall be lawful for the said President, Managers and company, at a stated or special meeting, to be convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to open books for subscription for such additional shares, or sell for the benefit of the company, as they may think proper, and to demand and receive the moneys subscribed or sold for such shares, in like manner and under the like penalties as herein provided for the original subscriptions, or as shall be provided by their by-laws.

If the capital stock is not sufficient to complete the road, additional subscriptions of stock may be made:

And to open books therefor.

Accounts of tolls received to be kept.

Sec. 19. *Be it further enacted*, That the said President, Managers and Company shall also keep a just and true account of all and every the moneys to be received by their several and respective collectors of tolls, at the several gates or turnpikes on the said road, which shall not exceed one for every five miles, after the road is completed, from the beginning to the end thereof, or such part thereof as shall, from time to time, be completed as aforesaid; and after the said road shall be completed, or so much thereof as it may,

from time to time, be deemed expedient to make and finish, shall make and declare a dividend of the clear profits and income thereof, all contingent costs and charges and a reasonable fund for repairs and progressive improvements and accomplishing of the work being first deducted and reserved, among the subscribers to the stock of the said company; and shall, on the first Monday in April and October, in every year, publish the half-yearly dividends to be made of clear profits among the stockholders, and of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

Sec. 20. *Be it further enacted*, That the said President and Managers shall, at least once in every year after the company shall be organized, lay before the General Assembly of the Commonwealth of Kentucky, during their session, an abstract of their accounts, shewing the amount of their capital expended in prosecution of their works and of the income and profits arising from the said toll, for and during the said respective periods, together with an abstract account of the costs and charges of keeping the said road in repair, and all other contingent costs and charges, and such other general information, respecting the company and their progress, as they may think necessary, to the end, that the clear annual income and profits thereof may be ascertained and known.

Sec. 21. *Be it further enacted*, That the said company shall cause posts to be erected at the intersection of every road falling in and leading out of the said turnpike road, with boards and an index hand pointing to the direction of such road, on both sides whereof shall be inscribed, in legible characters, the name of the town or place to which such road leads, and the distance thereof, in measured or computed miles, and shall also cause mile-stones to be placed on the side of the said turnpike road, to designate the distances to and from the principal places thereon, and also caused to be affixed on the gates to be erected, for the information of travellers and others using the said road, a printed list of rates of toll, which, from time to time, may be lawfully demanded; and if, at any time, it shall appear that the clear income and profits will not yield a dividend of six per centum per annum on the capital stock so expended, from the time of investing the same, then it shall and may be lawful for the President and Managers to increase the

1833.

Semi-annual dividends of the profits to be made.

Notice to be given of the time and place of payment thereof.

Accounts of the cost, profits and expenses of said road to be laid before the General Assembly annually.

The company to erect sign posts at the intersection of roads with the turnpike road.

Mile stones to be erected.

Rates of toll to be affixed at the different gates.

Tolls may be increased so as to produce a dividend on the stock of 6 per cent. per ann.

1833.

Or may be reduced if they exceed 12 per cent.

Penalty for pulling down or defacing any mile post or sign board or, the printed rates of toll.

How to be recovered.

Wagons or carriages in meeting owners shall keep the right hand side of the road.

Penalty for a violation of this provision.

toll hereinbefore allowed, so much on each and every allowance thereof as will raise the dividend up to six per centum per annum; and if, at any time, it shall appear by the said abstract, that the said income and profits will yield a dividend exceeding twelve per centum per annum, then the said tolls shall be reduced so as to reduce the dividend down to twelve per cent. per annum.

Sec. 22. *Be it further enacted*, That if any person or persons shall wilfully break, deface or pull down, up or prostrate any mile-stone or mile-post which shall be placed, in pursuance of this act, on the side of said road, or shall obliterate the letters or figures inscribed thereon, or shall wilfully break, pull down or injure any direction-post, which shall be erected in pursuance of this act, at the intersection of any road as aforesaid, or the board or index hand affixed thereto, in conformity to the directions of this act, or shall obliterate the figures or letters inscribed or marked thereon, or destroy, deface or obliterate the letters, figures or other characters marked at every turnpike or gate, which shall be erected in pursuance of this act, for all or any of the purposes therein mentioned, or the whole or any part of any printed list of the rates of tolls which shall be affixed, in pursuance of the directions of this act, at such gate or turnpike, he or they so offending in the premises, shall, and each of them shall, for every such offence, severally and respectively forfeit and pay to the said President, Managers and Company the sum of twenty dollars, to be sued for and recovered, with costs of suit, before any justice of the peace, in manner aforesaid.

Sec. 23. *Be it further enacted*, That all wagoners, carters and drivers of carriages of all kinds whatever, of burden or pleasure, using said road, shall, except when overtaking and passing by a carriage of slower draught, keep their carriages and horses on the right hand side of the said road, in the passing direction, leaving the other side of the said road free and clear for other carriages to pass and repass; and if any carter, wagoner or driver shall offend against this provision, he shall forfeit and pay any sum not exceeding five dollars, to any person who shall, by reason thereof, be obstructed in his passage, and will sue for the same, before any justice of the peace, to be recovered, with costs of suit, in manner aforesaid.

Sec. 24. *Be it further enacted*, That if any toll-gatherer, on the said road, shall demand from any person or persons using the said road, any greater rate of toll than by this act is authorised and allowed, such toll-gatherer shall forfeit and pay the sum of five dollars for every such offence, one half towards lessening the county levy of the county where the offence was committed, the other half to the use of the person suing for the same, to be recovered before any justice of the peace, in manner aforesaid.

1833.

Penalty for demanding other or greater tolls.

How recovered and applied.

Sec. 25. *Be it further enacted*, That no suit or action shall be brought or prosecuted for any penalties incurred by this act, whether by or against the company, unless such suit or action shall be commenced within six months next after the fact committed, unless the party, of their own act, prevent it being sooner brought; and the defendant or defendants, in such suit or action, may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by the authority of this act.

Limitation of the time of bringing actions against or by the company for the recovery of fines.

Sec. 26. *Be it further enacted*, That if the said company shall not, within five years, proceed to carry on the work, or shall not, within five years thereafter, complete the same, according to the true intent and meaning of this act, then, in either of these cases, it shall or may be lawful for the Legislature of this state to resume all and singular the rights, liberties and privileges and franchises of this act, granted to the said company.

The privileges of this charter forfeited if the company do not complete the work within ten years.

Sec. 27. *Be it further enacted*, That the ground over which the said contemplated road passes shall be dug down and levelled, that when completed the elevation thereof shall not exceed four and a half degrees.

The elevation of the road not to exceed  $4\frac{1}{2}^{\circ}$ .

Sec. 28. *Be it further enacted*, That it shall and may be lawful for the said President, Managers and Company to demand and take from their Treasurer, gate-keepers, or other person employed by them, bond with sufficient security, for the faithful discharge of the duties to them respectively assigned, and all bonds so taken or given by the company, shall be in the name of the President, Managers and Company of the Louisville Turnpike Road.

The company may take bond from their officers for the discharge of their duties.

Sec. 29. *Be it further enacted*, That when the sum of fifty thousand dollars shall be subscribed in stock by individuals, the Governor is authorised to subscribe the sum of fifty thousand dollars in stock in said cor-

A subscription and payment of \$50,000 authorized by the state when the

1833.

same amount  
shall be sub-  
scribed and paid  
by individuals.

poration, on behalf of the Commonwealth; and whenever the President and Managers of the corporation shall certify to the Governor that any amount has been paid on behalf of the individual stockholders, the Auditor is directed to draw upon the Treasurer, in favor of the said President and Managers, for the like amount, to be paid on behalf of the Commonwealth, from time to time, until the whole amount of the state's subscription shall be paid.

The com<sup>l</sup>th to  
have the right  
of voting stock  
at general  
meetings.

Sec. 30. *Be it further enacted*, That the Commonwealth shall have the right to vote at all elections for President and Managers, and to give the number of votes that the amount of stock held by her may entitle her; the said right to be exercised in the same manner as is done in other turnpike corporations in which the Commonwealth holds an interest.

[Approved February 2, 1833.]

CHAP. 229.—AN ACT for the benefit of Samuel T. Fife, Constable of Grayson County.

Recital.

Whereas, Samuel T. Fife was appointed a constable of Grayson county, for the town of Litchfield, by the county court of Grayson county, at the February term of said court, 1832, and gave bond and took the oath of office, since which time he has continued to act as constable, to the entire satisfaction of the people of the county: And whereas, at the time of said Fife's appointment he was about one month under age, and doubts are entertained by some as to the legality of his appointment, and also of his official acts: For remedy whereof—

Appointment  
as constable le-  
galized.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the appointment of said Fife, as constable aforesaid, for the town of Litchfield and county of Grayson, be, and the same is hereby, declared legal and valid to all intents and purposes, in the same manner, and to the same extent, as if he had been of full age when said appointment was made; and the official acts of said Fife, as constable aforesaid, are hereby declared legal and good in law, to the same extent, and in the same manner, as if he had been twenty-one years old when he was appointed constable as aforesaid.

[Approved February 2, 1833.]



CHAP. 230.—AN ACT for the benefit of the children of John Mizner, deceased.

1833.

Whereas, it appears that John Mizner, by his last will and testament, devised unto his then wife, Rebecca Mizner, after paying all his debts, the balance of his estate to belong to her so long as she might remain a widow: and if she should marry, he devised that she should have one-third to dispose of in any manner she might think proper among her children: And whereas, the will contains no disposition of the two-thirds of said testator's estate, which might remain after his wife should receive the one-third in case of her marriage; and it appears that his said wife has since intermarried with a certain Henry Ballenger, who, together with his wife, are desirous to allow the children the entire interest in a small tract of land lying in the county of Anderson, adjoining the tract upon which said testator lived, and which formed part of said estate: And whereas also, it is represented that a sale of said small tract of land would redound greatly to the benefit of the children, all of whom are infants: Wherefore—

Preamble.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the said Ballenger and wife, together with the children by their guardian or next friend, to petition the Anderson circuit court for a sale of said small tract of land: and upon its being made appear to the court, that a sale would redound to the interest of the children, it shall be lawful for the court to decree a sale at such credit, and upon such terms and conditions as the court in its discretion may judge most expedient, and to make such orders and decrees to secure the collection and payment of the purchase money, and also to cause a conveyance of the title to the purchaser, as may be necessary and proper: *Provided, however,* That before a sale of the land is made, it shall be necessary for the court to require the commissioner who may be appointed to make the sale, to execute bond with security to be approved by the court, conditioned to pay to the persons respectively who may be entitled to the proceeds of the sale, or their guardian, their proportions, at such times as the court by its order may direct.

Anderson circuit court may decree a sale of land.

[Approved February 2, 1833.]

1833.

CHAP. 231.—AN ACT to amend the Penal Laws.

Felony to de-  
stroy or injure  
the Louisville  
canal.

Punishment.

*Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That each and every free person, his or her aiders or abettors, who shall unlawfully and maliciously blow up, or attempt to blow up, with gunpowder, any of the locks of the Louisville and Portland Canal, or who shall in any other way, or by any other means, unlawfully and maliciously do any other act, or attempt to do any other act with the intent to destroy, or so to injure or impair any of said locks, as to obstruct or render more difficult the passage of any boat or vessel whatever, he, she, or they, so offending, shall be guilty of felony, and, upon conviction thereof, shall undergo a confinement in the jail and penitentiary house, for a period not less than two nor more than four years.

Felony to de-  
stroy or injure  
the bridge  
across the canal

Punishment.

*Sec. 2. Be it further enacted,* That each and every free person, his or her aiders or abettors, who shall unlawfully and maliciously blow up, or attempt to blow up, with gunpowder, the bridge over the Louisville and Portland Canal, or who shall in any other way, or by any other means, unlawfully and maliciously destroy, or attempt to destroy, said bridge, or to injure, or attempt to injure, said bridge, so as to obstruct the use thereof, he, she, or they, so offending, shall be guilty of felony, and, upon conviction, shall be sentenced to confinement in the jail and penitentiary of this commonwealth, for a period not less than two nor more than four years.

Slave guilty of  
either offence to  
suffer death.

*Sec. 3. Be it further enacted,* That each and every slave who shall commit either of the offences aforesaid, shall be guilty of felony, and, upon being convicted thereof, shall suffer death by hanging.

[Approved February 2, 1833.]

CHAP. 232.—AN ACT to appropriate a part of the vacant lands in Laurel County to make a road from London to the Mouth of Big Laurel, and for other purposes.

Register to issue  
land warrants  
to Jackson.

*Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Register of the Land Office issue, free of charge, to Jarvis Jackson, of Laurel county, three hundred and fifty dollars worth of land warrants, in fifty acres each, for the purpose of opening a road from London, in Laurel county, to

the mouth of Big Laurel river; and the said Jarvis Jackson, James Logan, of Laurel county, and James Rogers, of Whitley county, be, and they are hereby, authorised to view a way for the proposed road, and report the same to the county court of Laurel, and in case they approve of said report, said Jackson shall give bond and security, payable to the Commonwealth of Kentucky, in the penal sum of six hundred dollars, for the faithful application of said warrants in opening said road; and for his services, he shall, when necessarily engaged, receive seventy-five cents per day out of said warrants. He shall, upon oath, when required, settle with said court.

1833.

Comm'rs appointed.

To give bond.

Sec. 2. *Be it further enacted*, That said commissioners, while engaged in reviewing said road, receive one dollar per day, out of said warrants.

Comm'rs' pay.

Sec. 3. *Be it further enacted*, That the warrants hereby granted, shall be located in Laurel county, and in that part of Whitley county lying West of Big Laurel river, and North of Cumberland river: *Provided, however*, That no sale of any part or parcel of said warrants shall be made for a less sum than five dollars per hundred acres.

Warrants—where to be located.

Sec. 4. *Be it further enacted*, That the Register of the Land Office issue, free of charge, two hundred and fifty dollars worth of land warrants to the county court of Whitley, for the purpose of improving the road leading from London, in Laurel county, by way of Williamsburg, to the Tennessee line, and to assist in building a bridge across Lynn Camp, on said road; the warrants to be located in Whitley county, or upon any unappropriated lands opposite said county, between Walker's line and the true meridian. In the appropriations of said warrants the said court shall be governed by the laws heretofore passed appropriating vacant lands to said road.

Land warrants to Whitley.

How applied.

Where located.

Sec. 5. *Be it further enacted*, That the Register of the Land Office issue a land warrant for three thousand acres, in the name of the county court of Whitley county, free of charge, for the purpose of improving the post-road leading from Williamsburg to the Big South Fork, to be appropriated on any of the vacant land in said county, or between Walker's line and the latitude 33 deg. 30 min., North, in the State of Tennessee.

Land warrants to Whitley.

Where located.

Sec. 6. *Be it further enacted*, That the said county court of Whitley shall have power, by themselves or

Price for which warrants may be sold.

1833.

agent, to sell out said warrant in parcels not less than fifty acres, and for a sum not less than five dollars per hundred acres, and apply the proceeds to the improvement of said road where it is most thinly inhabited.

Comm'rs appointed to dispose of the warrants granted to Rockcastle.

Proceeds of warrants, how applied.

Comm'rs to give bond.

Sec. 7. *Be it further enacted*, That John H. Slaughter, Richard Williams and John Hailey, be, and they are hereby, appointed commissioners, to dispose of the warrants granted to the county of Rockcastle at the last session of the Legislature, at the rate of five dollars per hundred acres, for the improvement of the road leading from Boone's Gap, near the head of Roundstone, in Rockcastle county, leading by Slaughter's Salt works, and through Cook's Cove to the Crab Orchard road. They shall lay off said road into three precincts, and improve the same in such manner as they may deem most expedient. Before they enter upon the duties assigned them by the act granting said warrants, they shall execute bond, payable to the Commonwealth of Kentucky, with security, in the penal sum of six hundred dollars, conditioned for a faithful application of said warrants to the improvement of the road.

Comm'rs' pay.

Sec. 8. *Be it further enacted*, That said commissioners, while personally engaged in superintending the improvement of said road, shall be allowed each, per day, sixty two and a half cents, payable out of said warrants.

Comm'rs to report.

Sec. 9. *Be it further enacted*, That said commissioners shall quarterly report to the county court the manner in which they have disposed of said warrants.

Land warrants to Livingston.

Sec. 10. *Be it further enacted*, That three hundred dollars, in land warrants lying in Livingston county, be, and the same is hereby, appropriated to improving the road from Salem to John Berry's ferry, on the Ohio river; and the Register of the Land Office is directed to issue to the county court of Livingston county said land warrants, of fifty acres each, free of charge, and the said court may appoint their clerk to sell and transfer said warrants, and cause the proceeds to be expended on said road: *Provided*, said warrants shall not be located on any land heretofore appropriated, and any location made on land heretofore appropriated shall be null and void.

Land warrants to Caldwell.

Sec. 11. *Be it further enacted*, That the Register of the Land Office be; and he is hereby, required to issue a land warrant to the county court of Caldwell for two thousand acres of land, to be located in said county.

ty, to be applied to the further improvement of the state road leading from Princeton to Waidsboro', between Cumberland and Tennessee rivers; and that said court shall appoint three commissioners to superintend the working said road, and assign such part of said land warrant to individuals who may be entitled to the same, for working on said roads; and on the return of the surveys made thereon the Register shall issue patents thereon, as in other cases.

1833.

Sec. 12. *Be it further enacted*, That for the purpose of aiding the county court of Morgan in the erection of a bridge across Licking river, near West Liberty, at such place as they may select, there is hereby appropriated, in addition to the sum to be levied by the county and raised by private subscription, land warrants to the amount of six hundred dollars, to be issued by the Register to the order of said county court, free of charge, and to be laid on any vacant land in said county of Morgan: the Register is likewise required to register plats and certificates of surveys made on said warrants free of charge.

To Morgan.

[Approved February 2, 1833.]

CHAP. 233.—AN ACT to regulate the terms of the Jefferson Circuit and Oldham Courts.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter there shall be three terms of the Jefferson circuit court for the trial of common law causes; the first to commence on the second Monday in March in each year, and to continue and be held for thirty juridical days, if the business of said court shall require it; the second to commence and be held on the second Monday in July, and to continue twenty-four juridical days, if the business of said court shall require it; the third to commence and be held on the fourth Monday in September, and to continue and be held for twenty-four juridical days, if the business of said court shall require it.

Three law terms of Jefferson circuit to be held, and when

Sec. 2. *Be it further enacted*, That hereafter there shall be two terms of said court for the trial of chancery causes in each and every year; the first to commence and be held on the first Monday in May in each year, and to continue and be held for twenty-four juridical days, if the business shall require it; the second to commence and be held on the third Mon-

Two chancery terms to be held, and when.

1833.

day in November, and to continue and be held for twenty-four juridical days, if the business of said court shall require it.

Five terms for the trial of com'wealth's cases, and when to be held.

Sec. 3. *Be it further enacted*, That hereafter there shall be five terms of the Jefferson circuit court for trial of pleas of the Commonwealth; the first to commence and be held on the first Monday in February in each and every year; the second, on the second Monday in April; the third, on the fourth Monday in June; the fourth, on the third Monday in August; and the fifth, on the fourth Monday in October, in each and every year; and each of said terms of said court, to continue and be held for twelve juridical days, if the business of said court shall require it.

Oldham courts, when to be held

Sec. 4. *Be it further enacted*, That hereafter there shall be three terms of the Oldham circuit court; the first to commence on the third Monday in February in each and every year; the second, on the first Monday in June; and the third, on the second Monday in September; and each of said terms to continue and be held for twelve juridical days, if the business of said court shall require it.

Jefferson circuit may at the law terms hear motions, &c. in chancery causes

Sec. 5. *Be it further enacted*, That at the common law terms of the Jefferson circuit court, motions to dissolve injunctions, and restraining orders, or to grant the same, may be made and heard; and at said terms, all orders and steps may be taken preparatory to the trial of chancery causes; and at said terms, interlocutory orders may be made and heard for the disposition and sale of attached effects and property; and that at any of the said common law terms, the court may deliver and record decrees in chancery causes which may have been previously submitted and held under advisement. Any other law or laws, fixing the terms of the Jefferson circuit court, (common law, chancery, and criminal,) and the terms of the Oldham circuit court, inconsistent herewith, is hereby repealed. All process in common law causes returnable to the March term of the Jefferson circuit court, as arranged and fixed by any other law, shall entitle such causes to a trial at the March term of this court as fixed by this act: *Provided*, such process was or shall be executed ten days prior to the first day of the court in March, as heretofore fixed, or as fixed by this act.

Repealing clause.

Provisions as to the process issued before the passage of this act.

[Approved February 2, 1833.]

CHAP. 234.—AN ACT for the benefit of Achilles Jasper, of Pulaski County.

1833.

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky, that Achilles Jasper, deputy sheriff for John Warren, sheriff of Pulaski county, was, in consequence of sickness, prevented from collecting the militia fines for the 95th Regiment of Kentucky Militia: Therefore—

Recital.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said Jasper be allowed till the first day of June next, to return his delinquent list of fines for the 95th Regiment of Kentucky Militia: *Provided,* That before the said Jasper shall have any benefit under this act, he shall obtain a certificate under the hands of his securities, and his principal and his securities, assenting to the indulgence herein granted, and file the same with the paymaster of the regiment aforesaid.

Further time allowed to return delinquent list of militia fines.

[Approved February 2, 1833.]

CHAP. 235.—AN ACT to appropriate some of the vacant lands in Butler County for the purposes of Internal Improvement in said County.

*Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Register of the Land Office be, and he is, authorised and required to issue two hundred and fifty dollars worth of land warrants, in warrants of one hundred acres each, in the name of the county court of Butler, without fee.

Land appropriated to Butler.

*Sec. 2. Be it further enacted,* That the county court of Butler is hereby authorised to locate, survey and patent any quantity of vacant and unappropriated land lying within the bounds of said county, not exceeding the quantity of acres contained in said warrants, by virtue of said warrants; and the Register of the Land Office is hereby required to receive the plats and certificates, and issue said patents, without fee; and said court is hereby authorised to appoint their clerk to make sale of said warrants and transfer the same, by assignment, and the Register is hereby required to issue patents to said assignee or assignees, without fee.

County court to locate the same

*Sec. 3. Be it further enacted,* That it shall be the duty of said court to appoint some fit person or persons to lay out and apply all the means hereby given

Means to be applied to improving the roads in said county.

1833. them, to improve and repair such roads or parts of roads, or make such other improvements as said court may order and direct in said county.

[Approved February 2, 1833.]

CHAP. 236.—AN ACT to fix the terms of the Trigg circuit and county courts, and the county courts of Morgan.

Times of holding the Trigg circuit court.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, the Trigg circuit court shall be held on the second Mondays in April, July and October in each year, and shall continue in session for six juridical days, if the business thereof shall require it.

Provision as to returns of writs, recognizances, &c.

Sec. 2. *Be it further enacted*, That all writs, recognizances, &c. which may be made returnable to the spring term of said court, as heretofore fixed, shall stand returnable to the first day of the April term next of said court, as fixed by this act.

County courts of Trigg to be held on second Mondays.

Sec. 3. *Be it further enacted*, That the Trigg county court shall hereafter be held on the second Mondays in each month, except the months in which the circuit courts may be held.

County courts of Morgan to be held on first Mondays.

Sec. 4. *Be it further enacted*, That the county courts of Morgan county shall hereafter be held on the first Mondays in each month.

[Approved February 2, 1833.]

CHAP. 237.—AN ACT for the improvement of the navigation of Big Caney, a branch of Rough Creek.

Money appropriated to improve the navigation.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sum of \$300 be, and the same hereby is, appropriated, for the improvement of the navigation of Big Caney, a branch of Rough creek, so far up the same as is declared navigable; and the county court of Grayson county are hereby vested with full power and authority to appoint a commissioner to make such improvements to the navigation of said stream as he may deem most necessary and advantageous to the country through which it passes.

To be expended under the direction of the c'ty court of Grayson.

Comm'r to give bond and security.

Sec. 2. *And be it further enacted*, That it shall be the duty of the commissioner, so appointed, to enter into bond, in open court of the county aforesaid, with



security, to be approved of by the justices thereof, in the penalty of \$500, conditioned for the faithful application of the sum hereinbefore appropriated, according to the true intent and meaning of this act; which bond shall be made payable to said county court; and for a breach of the condition thereof may, at any time, be put in suit by them.

1833.

Condition thereof.

Sec. 3. *And be it further enacted*, That upon entering into bond, as required by this act, the commissioner shall be entitled to receive from the clerk of said court a certificate, that he has so complied, and upon producing the same to the Auditor of Public Accounts, it shall be the duty of said Auditor to issue his warrant upon the Treasurer for the sum of three hundred dollars in Commonwealth's Bank notes, in favor of said commissioner; and thereupon the Treasurer shall pay over said amount to the commissioner aforesaid, who shall report to said county court of Grayson county, within six months after he shall commence said work, the progress he has made therein, and every three months thereafter, until the same shall be completed; and that said commissioner be entitled to receive the sum of one dollar per day for each day he shall be actually employed in said service.

Comm'r authorized to draw the money as soon as he executes bond.

To report to the Grayson county court.

His compensation.

Sec. 4. *Be it further enacted*, That it shall be the duty of the county court of Ohio county to appoint a commissioner, whose duty it shall be, after having given bond with approved security, in the penalty of six hundred dollars, in said court, to proceed with such commissioner, appointed by said court of Grayson county, to discharge the duties enjoined by this act, who shall be entitled to one dollar per day for his services.

The county court of Ohio to appoint an additional commissioner.

[Approved February 2, 1833.]

CHAP. 238.—AN ACT for the benefit of Arch Lewis, a Free Man of Colour.

Whereas, it is represented to the present General Assembly of the Commonwealth of Kentucky, that Arch, a man of colour, formerly the property of Mrs. Lewis, of Shelby county, Kentucky, was raised in said county and state, and has never resided elsewhere; and that the said Mrs. Lewis having removed to the state of Indiana, determined, in consequence of the fidelity and good character of said Arch, to emancipate,

Z \*

1833.

and did accordingly, in the said State of Indiana, duly execute a deed of emancipation to the said Arch, and cause the same to be recorded in the proper office in said state, by means of which the said Arch, although always a resident of the State of Kentucky, was exposed to the penalties of the statute which provides "that it shall not be lawful for any free negro or mulatto to be brought into this state:" For remedy whereof—

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Arch, sometimes called Arch Lewis, a man of colour, who was emancipated by Mrs. Lewis, in the State of Indiana, shall be, and he is hereby, authorised and empowered to remain and reside in the State of Kentucky; and that he, the said Arch, shall be, and he is hereby, exempted from the operation of any law or laws to prohibit the migration of negroes or mulattoes into this state from any other state or territory.

[Approved February 2, 1833.]

CHAP. 239.—AN ACT for the benefit of the heirs of the late Charles Humphreys, deceased.

Recital.

Whereas, Charles Humphreys, deceased, in his lifetime, by himself or his agents, made sales of land in the State of Kentucky, and executed bonds for conveyances, upon the payment of the purchase money: And whereas, some of the purchasers have made their payments and are entitled to their deeds, and others are willing to make payments when deeds are tendered: And whereas, there are some remnants of the tracts of land in part sold by the said Humphreys, in his lifetime, yet unsold, which it is the interest of his heirs to sell for the purpose of paying the debts of their ancestor: And whereas, some of the heirs of said Humphreys are under age, and it would be attended with much expense and trouble to pass the title to purchasers: Therefore—

The adm'r of the estate authorized to execute deeds of conveyance for lands, &c.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That James Cowan, the administrator of said Humphreys, be invested with full power and authority to execute deeds to the purchasers aforesaid, in cases where the said Humphreys gave bonds for conveyance as aforesaid, and where the consideration has been paid, and to sell and convey the

remnants of tracts, in part sold as aforesaid, by said Humphreys, for the purpose of paying the debts of the said Humphreys, and to make conveyances therefor, the personal estate having been exhausted without satisfying all his debts: but before the said administrator shall sell and convey any of the land aforesaid, not sold by said Humphreys in his lifetime, he shall execute bond with security, in the clerk's office of the Fayette county court, in a sufficient penalty, to be fixed by said court, conditioned to apply the proceeds of said sales, first to the payment of the debts of said Humphreys, and to hold the remainder, if any, to the use of said heirs, in his fiduciary character, which shall be paid to them in equal distribution.

[Approved February 2, 1833.]

1833.

And to make sales of lands.

Proceeds—how to be applied.

CHAP. 240.—AN ACT for the appropriation of Money.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the following sums be, and they are hereby, allowed to the persons hereinafter mentioned, to be paid out of any money in the Treasury not otherwise appropriated:

Allowances to be made to

To the Speakers of the Senate and House of Representatives, four dollars per day each.

The Speakers of the Senate and H. R. Clerks Senate and H. R.

To the Clerks of the Senate and House of Representatives, sixty dollars per week each.

To the Assistant Clerks of the Senate and House of Representatives, thirty dollars per week each.

To the Sergeants-at-Arms of the Senate and House of Representatives, twenty-one dollars per week each.

To Sergeants at Arms.

To the door-keepers of the Senate and House of Representatives, twenty-one dollars per week each.

Doorkeepers.

To William Wood, for stationary furnished the Senate and House of Representatives, three hundred and ten dollars and fifty-seven cents.

W. Wood.

To James Davidson, two thousand three hundred and twenty-five dollars and fifty-six cents, to be by him applied to the payment of the bills incurred in repairing and furnishing the Government House, which said bills are as follows, to-wit: To Addison S. Parker, five hundred and thirty-five dollars and eighty three cents; Jephthah Dudley, three hundred and twenty-nine dollars and twenty cents; James Wight, one hundred and thirty-eight dollars and eighty-six cents; James F. Dryden, one hundred and forty-one

James Davidson for the use of sundry persons in repairing the government house.

1833.

dollars and thirteen cents; Richard H. Stout, one hundred and six dollars; Harry Mordica, one hundred and twelve dollars; John D. McClure, two hundred and seventy dollars seventy-one cents; Hawkins Wickersham, five dollars; Francis Reynolds, eighteen dollars sixty cents; John A. Markley, fourteen dollars ninety-two cents; Mason Brown, fourteen dollars; Elizabeth Brown, seven dollars fifty cents; George W. Barclay, two hundred and thirty-three dollars forty-three cents; Celia Mentor, ten dollars; Mrs. Wingate, seventy-five dollars; Luke Munsell, thirty-two dollars; Joel Scott's penitentiary bill of sundries furnished, two hundred and fifty-six dollars and sixty-three cents; to Francis Hickman, twenty-four dollars seventy-five cents.

J. D. McClure. To J. D. McClure, for seven tables, furnished for the House of Representatives, sixty-three dollars.

C. Hutchison. To Charles Hutchison, for tables made for the Representative Chamber, and other work done, seventy-five dollars.

Wood and Keenon. To Wood and Keenon, for folding and stitching documents for the General Assembly, fifty-nine dollars and twenty-five cents.

A. G. Hodges. To A. G. Hodges, the sum of twelve hundred dollars, in advance, for his services as Public Printer for the present year eighteen hundred and thirty-three.

Wood and Keenon. To William Wood and A. C. Keenon, for binding two thousand copies of the Acts of the present General Assembly, three hundred dollars each; also, sixty-two dollars and fifty cents each, for binding two hundred and fifty copies of the Journals of the present session, one-half of which sum shall be paid in advance, and the balance upon their producing to the Auditor a certificate from the Secretary of State, showing the delivery into his office of the number of copies hereby authorised to be bound: *Provided, however*, That if the full number of copies authorised to be bound shall not be so delivered, a deduction at the rate of thirty-three and one-third cents for each copy of the Acts, and fifty cents for each copy of the Journals, so as aforesaid authorised and required, shall be made.

Lunatic asylum. To the Commissioners of the Lunatic Asylum, for supporting the Lunatics in said Institution during the ensuing year, nine thousand dollars.

Doorkeepers Senate & H.R. To the door-keepers of the Senate and House of Representatives, for furnishing water and making fires during the present session, six dollars each per week.

To Jilson P. Hammons, deputy Sergeat-at-arms, for travelling to Lawrence and Morgan counties, three hundred and forty-five miles, and summoning eleven witnesses, forty dollars. 1833. J. P. Hammons

To Richard A. Bohannon, for travelling to and from Garrard county, a distance of eighty miles, and delivering to the Sheriff of said county a Writ of Election, fifteen dollars. R. A. Bohannon

To Joseph Taylor & Son, as per account, for sundries furnished the Senate and House of Representatives during the last session, thirty-two dollars and sixty-six cents. J. Taylor & son.

To Silas M. Noel, for the benefit of the Baptist Church, for the use of their bell in eighteen hundred and thirty-one and eighteen hundred and thirty-two, twenty dollars. S. M. Noel.

To J. Dudley, for sundries, as per account, eighteen dollars and twenty-five cents. J. Dudley.

To J. P. Cammack, for tables, sixty-three dollars. J. P. Cammack.

To Joseph Gray, for attendance upon the Sheriffs convened to compare the polls for Governor and President, twenty-one dollars. Jo. Gray.

To James Davidson, for preparing the capital for the meeting of the Legislature at the present session, as per account rendered, ninety-one dollars and seventy-one cents. J. Davidson.

To Thomas S. Page, for wood furnished the Senate, as per account rendered, sixty dollars. T. S. Page.

Francis Hickman, for wood furnished, as per account rendered, one hundred and twenty dollars. F. Hickman.

To Robert S. Todd, for stationary by him bought for the use of the House of Representatives and paid for, as per account, forty-two dollars and twenty-eight cents. R. S. Todd.

To A. G. Hodges, for balance due for printing done, as per accounts rendered, up to the 26th of January, 1833, two thousand five hundred and forty-three dollars sixty-eight cents. And the Auditor of Public Accounts shall be, and he is hereby, authorised and directed to settle with the said Hodges for the residue of his account, for printing by him done and not included in his accounts rendered, and issue his warrant on the Treasury in favor of said Hodges for such sum as may be due him. A. G. Hodges.

To the Clerks of the Senate and House of Representatives, for four days' services after the close of the session in preparing the acts for publication and ar- Clerks Senate and H. R.

1833.

ranging the papers, forty dollars each, one-third of which sum shall be paid to the Assistants, provided they remain and assist in said services.

To the Sergeant of the Court of Appeals for the use of sundry persons.

To the Sergeant of the Court of Appeals, for finishing the court-room, two hundred and seventy-two dollars and twenty-ninety cents, to be by him applied as follows, to-wit: To James Shannon, one hundred and forty-six dollars and twenty-eight cents; to A. S. Parker, sixty-five dollars fourteen cents; R. K. Stout, thirty-six dollars and fifty-seven cents; John Woods, fifteen dollars and forty-three cents; William S. Johnson, five dollars; E. M. Crane, two dollars; M. B. Morrison, one dollar eighty-seven cents.

A. C. Keenon.

To A. C. Keenon, as per bill, one dollar twenty-five cents.

Tillman and John.

To Tillman and John, (black men,) for services rendered the Senate and House of Representatives, ten dollars each.

To the joint committee of the Senate and H. R. to examine the Rail-Road.

To the following members of the Senate and House of Representatives, appointed a committee to inspect and report upon the Lexington and Ohio Rail Road, for their extra expenses, whilst in the discharge of that duty: that is to say, to David White, Enoch Prince, E. M. Covington, G. A. Henry, J. Abell, A. Megowan, J. S. Pierce, W. B. Cooke, J. Allen, S. Williams, B. S. Morris, A. K. Woolley, B. Hardin, James Murray, C. A. Rudd, J. Campbell, J. Clarke, William P. Fleming, the sum of six dollars each.

J. G. Dana.

To J. G. Dana, for twelve copies of the acts of the session 1829, 1830, ten dollars twelve cents.

To Librarian.

To the Public Librarian, the sum of one hundred dollars, for the year 1833, to be paid quarterly.

To the widow and orphans of Henry F Hume

To the widow and orphans of Henry F. Hume, deceased, seventy-five dollars, in part of his subscription for rebuilding the capitol, in the town of Frankfort, with interest from the time of payment.

J. B. Marshall.

To J. B. Marshall, for the *Kentuckian* and Commentator, furnished the members of both branches of the Legislature, during the session, thirty dollars.

To Chambers and Holeman.

To Chambers and Holeman, for the Cross and Banner, furnished the members of the Senate and House of Representatives, thirty dollars.

Widow and orphans of H. F. Hume.

Sec. 2. *Be it further enacted*, That the sum of twenty-five dollars be allowed and paid to the widow and orphans of Henry F. Hume, in addition to the allowance hereinbefore made.

To B. R. Pollard, for postage paid by direction of the committee of finance, in the Senate, seventy-five cents. 1833.  
B. R. Pollard.

To William Wood, for paper and quills, four dollars fifty cents. W. Wood.

To James Davidson, for nine days service in settling with the Receiver of Public Money, thirteen dollars fifty cents. J. Davidson.

To Porter Clay, for like services, thirteen dollars fifty cents. P. Clay.

To John M. Foster, for like services, thirteen dollars fifty cents. J. M. Foster.

To Thomas S. Page, for twenty-five days services, in the same settlement, thirty-seven dollars fifty cents. T. S. Page.  
[Approved February 2, 1833.]

CHAP. 241.—AN ACT to authorise the sale of a Public Alley in the town of Newcastle.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That William Smith, of Henry county, be, and he is hereby, appointed a commissioner to sell and convey a public alley lying between lots number one hundred and twenty-seven and one hundred and thirty-six, in the town of Newcastle, which said sale shall vest in the purchaser or purchasers all the right and title of this Commonwealth and of the trustees of Newcastle; and the produce of said sale shall be paid over, by the said Smith, to any trustees who may hereafter be appointed for said town of Newcastle, for the use and benefit of said town.

[Approved February 2, 1833.]

CHAP. 242.—AN ACT to alter the time of holding the Spencer County Court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county courts for the county of Spencer shall hereafter be held on the first Monday in each month that the county courts of said county are now held by law, instead of the second Mondays, as heretofore; the change to take place from and after the first day of April next.

To be held on the first Mondays of each month.

[Approved February 2, 1833.]

1833.

CHAP. 243.—AN ACT to regulate the Circuit and County Courts in the Fifteenth Judicial District, and for other purposes.

Laurel circuit  
court—times of  
holding.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the circuit court for the county of Laurel shall, after the spring term of the present year, commence and be held on the first Mondays in March, June and September, and continue six juridical days, if the business shall require it.

Harlan circuit  
court—times of  
holding.

Sec. 2. *Be it further enacted*, That the circuit court for the county of Harlan shall, hereafter, be commenced and held on the Wednesdays succeeding the second Mondays in April, July and October, and continue four juridical days, if necessary.

[Approved February 2, 1833.]

CHAP. 244.—AN ACT to establish a Medical Institute in the City of Louisville.

Medical Insti-  
tute incorporat-  
ed.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That for the purpose of promoting Medical Science in the City of Louisville, that William C. Galt, Coleman Rogers, A. G. Smith, John P. Declary, L. Powell, J. P. Harrison, R. H. Broadnax, R. P. Gist and J. Y. Dashiell, and their associates and successors, shall be, and they are hereby, incorporated and constituted a body politic, with perpetual succession, by the name and style of the Medical Institute of the City of Louisville, and in that name may acquire, hold, and enjoy all such real and personal estate as may be necessary and proper for the accommodation of the Institute, and the advancement of Medical Science, and the same to sell and convey at pleasure: *Provided*, That the annual income of all such real and personal estate they may hold shall not exceed fifty thousand dollars per annum; they may also contract and be contracted with, sue and be sued, plead and be impleaded with, in their corporate name, and may have and use a common seal, and change, alter, and renew the same at pleasure.

Officers of the  
corporation.

Sec. 2. That the fiscal, prudential and municipal concerns of said Institute shall be committed to a President, Moderator and seven Managers, who shall each have an equal voice in the decision of all matters in relation to the concerns of said Institute, and they shall have power and authority to make all such



by-laws, rules and regulations that may be necessary and proper, for the good government of said Institute and the management of its fiscal and prudential concerns, and for the advancement of medical science that they may deem right: also, the mode and manner of admitting new members of the Institute, and how they shall cease to be such; and they may create such departments and such officers as they, from time to time, may deem advisable: *Provided*, That no such by-law, rule or regulation shall be contrary to the constitution and laws of this or of the United States.

1833.

Proviso.

Sec. 3. That the President and Moderator shall each hold their respective offices for two years, and the managers for one year; and no person shall be admitted a member or appointed to an office unless he be nominated by the President or Moderator and chosen by a majority of the board.

Term of office.

Sec. 4. That William C. Galt shall be the first President, A. G. Smith the first Moderator, and Coleman Rogers, J. P. Declary, R. P. Gist, L. Powell, J. P. Harrison, R. H. Brodnax and J. Y. Dashiell the first Managers; and they shall hold their offices until the first day of January, 1835: but if any vacancy shall arise from death, resignation or otherwise, the residue of the board shall supply the vacancy by the election of some other member.

First officers appointed.

Sec. 5. That all the members of the said Institute shall each have one vote in the choice of President, Moderator and Managers; and the board of President, Moderator and Managers shall make all necessary and proper by-laws and rules for the election of their successors, and shall cause public notice to be given of the time and place of the biennial election of President and Moderator, and of the annual election of managers; they shall cause a fair record to be kept of their proceedings, and shall, before each annual election, publish, for the use of the members of the Institute, a true statement of its finances, and all matters relating to the Institute, and what it has done for the advancement of medical science.

Mode of electing officers.

To keep a record of their proceedings.

Sec. 6. That the trustees of the Louisville Marine Hospital may confide the medical department of said hospital to the Institute; and the Mayor and Council of the City of Louisville may confide the medical department of their poor-house and hospital to said Institute.

The Marine Hospital and City Medical Department may be confided to the Institute.

[Approved February 2, 1833.]

1833.

CHAP. 245.—AN ACT to incorporate the Louisville Savings Institution.

Names of persons incorporated, and style of incorporation.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William Read, William Bell, Benjamin Cawthorn, George W. Meriwether, Samuel Dickinson, Edward D. Hobbs, James A. Rogers, A. W. R. Harris, William Graham, Henry S. Sisson, Henry Rhul, Thomas Bruce, James McDonald, G. G. Presbury, Basil N. Hobbs, James M. Clendenin, Daniel Smith, Benjamin S. Griffin, Benjamin G. Wier, James Rudd, James Guthrie, Charles M. Thruston, James Stewart, John B. Bland, William Powell, T. S. Beall, William Penny, William Bull, John Price, Jas. Pickett, Moses Dickson, Samuel Schwing, John Linton, Isaac Stewart, Daniel McCalister, Samuel Cassedy, Jas. George, John S. Allison, Alfred Thruston, John Speed, John B. Hundley, William C. Bullitt, James Brown, John Williamson, Levin Lawrence, Caleb Dorsey, P. S. C. Earbaur, Lee White, John Edwards, Robert N. Miller, David Meriwether, Jacob Geiger, Wm. Reay, A. R. Woolley, Jonas Grubb, E. H. Lewis, Walker Alsop, Samuel K. Richardson, M. D. Averill, John P. Young, Benjamin Wilson, John C. Wenzell, Alfred Luckett, George Buchanan, Henry Churchill, Amphion Lamp-ton, John P. Bull, James I. Lemon, Abraham Blankenbaker, Coleman Daniel, Joseph V. Hewes, William Mardus, John P. Oldham, B. R. McIlvain, S. S. Goodwin, James Marshall, Frederick A. Kaye, Joshua B. Bowles, Nathaniel Hardy, Patrick H. Pope, William H. Pope, William Garvin, Jacob Reinhard, Samuel Bell, G. G. Presbury, Sen., Thomas Anderson, T. E. Wilson, William S. Vernon, Levin L. Shreve, Virgil McKnight, P. Chamberlain, T. J. Allen, William F. Bullock, Thomas S. Shreve, George C. Gwathmey, W. W. Worsley, L. D. Addison, Edward Crow, Geo. W. Bruce and Hancock Taylor, and all and every other person or persons hereafter becoming members of the Louisville Savings Institution, in the manner hereafter mentioned, shall be, and are hereby, created and made a corporation and body politic, by the name and style of "the Louisville Savings Institution;" and by that name shall have perpetual succession, and be capable, by law, to hold and dispose of property, to sue and be-sued, plead and be impleaded, answer and defend and be answered and defended, in courts of law and equity, or in any other place whatever;

General corporate powers.

and to receive and make all deeds, transfers, contracts, covenants, conveyances and grants whatsoever; and to make, have and use a common seal, and the same to change and renew at pleasure, and generally to do every other act or thing necessary to carry into effect the provisions of this act and to promote the object and design of said corporation: *Provided, however,* That after the first election, (hereinafter provided for,) should any of the persons herein named decline to be members, by not depositing money in this institution, agreeably to the by-laws of said institution, they shall cease to be members of the corporation, and the President and Directors shall fill such vacancy or vacancies by such person or persons as will become depositors therein.

1833.

Proviso.

Sec. 2. *Be it further enacted,* That there shall be a meeting of the members of said Louisville Savings Institution, on such day in the month of March next, and at such place as the five persons first named in this act, or any three of them, shall appoint: notice of such meeting being given in two or more newspapers printed in Louisville, at least ten days previous to such meeting. And on such day in the month of March next, and at such place annually thereafter as the by-laws of the said institution shall provide, for the purpose of choosing from among the members nine Directors, who shall choose a President from their body, (no member in any case having more than one vote,) to manage the affairs of the said institution for twelve months thereafter and until a new election shall take place; and the five members first named shall be judges of the first election of directors; and the judges of all future elections shall be appointed and notice of such elections given in such manner as the by-laws shall provide. And in case of the death, resignation or vacancy from any other cause in the said board of directors, the remaining directors shall fill the vacancy or vacancies from the members of said corporation for the unexpired term or terms of the director or directors whose seat or seats have been vacated; and if the election should, from any cause, not be made on the day designated, this corporation shall not, from that cause, be dissolved, but the directors then in office shall, by the same notice, appoint another day for holding said election.

First meeting of stockholders.

Notice to be given thereof.

Directors to be chosen annually by the stockholders and the President by the Directors.

Elections, how to be conducted, and vacancies, how filled.

Elections may be held on days different from those designated herein.

Sec. 3. *Be it further enacted,* That the President and Directors, for the time being, or a majority of them,

1833.

The First and  
Directors to ap-  
point Subordi-  
nates, ex-  
ecution, &c.

To regulate the  
management of  
the funds, and  
to invest the same  
in such manner  
as they shall deem  
most safe and  
beneficial.

May pass by-  
laws:

Subject to the  
alteration of the  
stockholders.

The corpora-  
tion authorized  
to receive de-  
posits of mon-  
ey and to invest  
the same in  
stocks, &c.

Provido.

No director to  
be personally  
liable for the  
debts of the cor-  
poration.

Provido.

shall appoint all such officers, agents and servants as they shall deem necessary to conduct or execute the business and affairs of the institution, fix their compensation and, in their discretion, to dismiss them: provide for the taking bonds to the corporation, from all or any of their officers, agents or servants, by them so appointed, with security, conditioned in such form as they shall prescribe, for the faithful execution of their several duties, and to secure the corporation from loss: regulate the manner of making and receiving deposits, the form of certificates, or shares to be issued to depositors, and the manner of transferring the same: provide for the investment of the funds of the corporation in such manner as they shall deem most safe and beneficial: provide for paying all necessary expenses in conducting the affairs of the corporation, and generally shall pass all such by-laws as shall be necessary to the exercise of the said powers, and of the other powers vested in said corporation by this charter, and the said by-laws, from time to time, to alter and repeal: *Provided*, That all such by-laws, as shall be made by the directors, may be altered or repealed by a majority of the members assembled at any annual meeting or at any general meeting called in pursuance of any by-law made for that purpose; and a majority of the members may, at any annual or general meeting, pass by-laws which shall be binding on the directors: *Provided*, That such by-laws shall not be contrary to the laws of this state or of the United States.

Sec. 4. *Be it further enacted*, That said corporation shall be capable of receiving from any free person or persons, any deposit or deposits of money, and that all moneys so received shall be invested in public stocks or other securities, at the discretion of the directors, and in the manner deemed most safe and beneficial: *Provided, always*, That such investment of the funds of the corporation shall be in the manner provided by the by-laws, and that no director or member shall be liable in his person or property for any debts, contracts or engagements of the said corporation, but that the money, property, rights and creditors of said corporation, and nothing more, shall be liable for the same: *Provided, also*, That no part of the funds of said corporation shall be loaned to any Treasurer or other officer of said corporation.

Sec. 5. *Be it further enacted*, That it shall be the duty of the directors, at least once every six months, to appoint from the members of said corporation, five competent persons, as a committee of examination, which committee shall appoint another committee of five persons from the depositors (who are not voting members) in said institution, which two committees, so appointed, shall investigate the affairs of said corporation, and make and publish a report thereof, in one or more newspapers printed in the City of Louisville; and at any time it shall be required by a majority of the members of said corporation, there shall be, as aforesaid, an examination and report of the condition of said institution; and it shall be the duty of the directors, on the first Monday in January and on the first Monday in July, in each and every year, to make and declare a dividend of the interest and profits of said corporation, after paying its expenses, and the same to pay over to the stockholders and depositors, or their legal representatives, within ten days thereafter.

1833.

Committees of investigation to be appointed semi-annually.

Report to be published.

Semi-annual dividends of profits to be made.

Sec. 6. *Be it further enacted*, That all bills and notes at any time discounted or made payable to said institution, having the words "without defalcation" embodied in it or them, shall be put upon the same footing as foreign bills of exchange; and said institution is to calculate and charge interest according to the rules laid down in Rowlett's tables of interest, and as is usual on discounted notes: any law, custom or usage to the contrary notwithstanding: *Provided*, There shall be no damages on any such bills or promissory notes discounted by said institution, and they shall have no greater dignity or priority of payment, in a regular course of administration, than other bills or promissory notes.

All bills and notes discounted at said institution put on the footing of bills of exchange

May charge interest, &c. thereon.

Proviso.

Sec. 7. *Be it further enacted*, That said institution may receive deposits from minors, the consent of such minors parents, guardians or masters being given thereto, in writing: but shall not pay such deposits over to such minor, nor any part of the interest accruing thereon until such minor shall have attained the full age of twenty-one years, unless the parents, guardians or masters of such minors consent thereto, in writing.

Who may become depositors

Deposites may be withdrawn but not by minors.

Sec. 8. *Be it further enacted*, That this corporation shall not make or issue notes or bills of credit, in the nature of bank notes or bills, payable on demand or

Not authorized to issue bank notes or bills of credit or exch-

1833.

cise banking powers. But may purchase and deal in bills of exchange.

Depositors may recover their deposits with interest and damages if payment is delayed or refused.

And their corporate privileges to cease.

In that event the Jefferson circuit court authorized to take possession of the estate and divide the same among the creditors.

Certificates of membership to be issued, creating voting members where depositors become the owner of one share or more.

Duration of this charter.

at a future day, to bearer or order, or in any other form: but they may, if found necessary, deal in bills of exchange, and draw for funds transferred to them, or in any manner to their credit, in any place whatever, out of the City of Louisville: but shall in no event exercise any banking or other privileges, except as herein granted and provided for.

Sec. 9. *Be it further enacted*, That should any person or persons, body politic or corporate, make any deposit or deposits of money, bank notes, or other valuable thing, in the office of this institution, on the terms and conditions that shall be published by the officers thereof, and under the conditions of said deposit draw for the same, and be refused re-payment thereof, or be unnecessarily delayed in receiving his or their money, the said institution shall forfeit and pay, to any such depositor, damages at the rate of ten per cent. per annum for the delay occasioned, to be recovered by an action to be brought at the next term of the Jefferson circuit court after such delay or refusal to pay: and should the said corporation, at any time, fail to repay the deposits made with them, this act shall *cease* and determine: and on the same being satisfactorily proved to the Jefferson circuit court, the judge of said court shall appoint commissioners to take possession of the estate and effects of said corporation, and to divide the same among the creditors thereof, in equal proportions to their several demands.

Sec. 10. *Be it further enacted*, That in the event of any member, (or person who may hereafter become a member of this Institution,) becoming owner of more than one share of the original hundred shares of stock (hereby incorporated,) by purchase or otherwise, it shall be the duty of the directors, for the time being, to cause certificate or certificates of membership to be issued to a weekly depositor or depositors in said Institution, creating them voting members of this corporation, in order that the number of voting members shall always be kept at the original number of one hundred, hereby incorporated. This charter shall continue for and during and until the expiration of the year one thousand eight hundred and fifty, and no longer.

[Approved February 2, 1833.]

## RESOLUTIONS.

A RESOLUTION appointing a Joint Committee to examine the Lexington and Ohio Rail Road.

*Resolved, by the General Assembly of the Commonwealth of Kentucky, That six from the Senate and twelve from the House of Representatives be appointed, whose duty it shall be to proceed, as soon as may be, to the City of Lexington, and examine into the progress already made on the Lexington and Ohio Rail Road, the quality of the work, and the facilities it is likely to afford, when completed, to the commerce of the country, &c.; and the said Committee are instructed to report specially to each branch of the General Assembly such facts as may come to their knowledge in said examination, together with their opinion on the utility of the work.*

[Approved December 13, 1832.]

A RESOLUTION to appoint a Joint Committee to examine and report the condition of the Government House.

*Resolved, by the General Assembly of the Commonwealth of Kentucky, That a Committee of three from the Senate and six from the House of Representatives be appointed, to examine the condition of the Government House and appurtenances thereunto belonging, and report the condition of the same, and whether, in their opinion, it is necessary that the same should undergo any repairs, together with such other information touching and concerning this subject as they, in their discretion, may think proper.*

[Approved January 7, 1833.]

A RESOLUTION for appointing Joint Committees to examine the Public Offices, the Bank of the Commonwealth of Kentucky, and the Bank of Kentucky.

*Resolved, by the Senate and House of Representatives, That a Committee of three from the Senate and six from the House of Representatives be appointed, to examine and report the condition of the Auditor's Office; that a Committee of three from the Senate and six from the House of Representatives be appointed, to examine and report the condition of the Treasurer's Office; that a Committee of three from the Senate and six from the House of Representatives be appointed, to examine and report the condition of the Register's Office; that a Committee of three from the Senate and six from the House of Representatives be appointed, to examine and report the condition of the Penitentiary; that a Committee of three from the Senate and six from the House of Representatives be appointed, to examine and report the condition of the Bank of Kentucky; and that a Committee of three from the Senate and six from the House of Representatives be appointed, to examine and report the condition of the Bank of the Commonwealth of Kentucky.*

[Approved January 16, 1833.]

A RESOLUTION fixing a day for the election of Public Officers.

*Resolved, by the General Assembly of the Commonwealth of Kentucky, That they will, by joint vote of both Houses, on the twenty-fifth day of this instant, (January,) eighteen hundred and thirty-three, proceed to the election of a Treasurer, Public Printer, Librarian, a President and Directors of the Bank of Kentucky, and a President and Directors of the Bank of the Commonwealth of Kentucky.*

[Approved January 25, 1833.]

RESOLUTIONS in relation to the road leading from Lexington, through Winchester, Mount Sterling and Owingsville, to the Mouth of Big Sandy.

Whereas, it is the opinion of this General Assembly, that the road from Lexington, Kentucky, through Winchester, Mount Sterling and Owingsville, to the mouth of Big Sandy, is the nearest route to the City of Washington, upon which a tri-weekly line of stages has been established: And whereas, it is the great thoroughfare through which Kentucky supplies her sister States in the East with her live stock and pro-

## RESOLUTIONS.

duce necessary to their subsistence: And whereas, a considerable portion of said road passes through a section of this State sparse in population and limited in resources: Therefore,

1. *Be it resolved, by the General Assembly of the Commonwealth of Kentucky,* That said road is of high national importance, and demands the liberal consideration of the General Government.

2. *Resolved,* That our Senators in Congress be instructed and our Representatives requested, to use their utmost exertions to procure an appropriation, in money, sufficient to make the necessary improvements on said road, and the Governor be requested to transmit a copy of the foregoing Preamble and Resolutions to each of our Senators and Representatives in Congress.

[Approved January 28, 1833.]

**RESOLUTIONS** concerning the opening and improving the navigation of Green and Big Barren Rivers.

1. *Resolved, by the General Assembly of the Commonwealth of Kentucky,* That our Senators in Congress be instructed, and our Representatives be requested, to apply for, and use their best exertions to obtain, an appropriation from the General Government, for the purpose of opening and improving the navigation of the Green River and Big Barren River, in the State of Kentucky.

2. *Be it further resolved,* That the Governor of this state transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

[Approved January 30, 1833.]

**A RESOLUTION** authorising the Public Librarian to have certain Acts of Assembly bound.

*Resolved, by the Senate and House of Representatives of the Commonwealth of Kentucky,* That the Public Librarian be authorised and requested to have twelve copies of the Acts of the Legislature, not included in Littell's Laws, bound in one or more volumes, and deposit two copies thereof in the Office of the Secretary of State, and the residue in the Public Library, for the use of the Legislature: such acts as are not in the Library he is authorised and requested to purchase, to complete the twelve copies. The Governor is authorised and requested to examine the account of expense incurred under this resolution, and, if he approve, to certify it to the Auditor of Public Accounts, who shall issue his warrant on the Treasurer for the same.

[Approved January 30, 1833.]

**RESOLUTIONS** concerning the opening and improving the navigation of Cumberland, Kentucky and Licking Rivers.

*Resolved, by the General Assembly of the Commonwealth of Kentucky,* That our Senators in Congress be instructed, and our Representatives requested, to apply for, and use their best exertions to obtain, an appropriation from the General Government, for the purpose of opening and improving the navigation of the Cumberland River, from the mouth of Laurel River downwards, and also for opening and improving the navigation of the Kentucky and Licking Rivers.

*Be it further resolved,* That the Governor of this state be requested to send copies of this resolution to our Senators and Representatives in Congress.

[Approved January 31, 1833.]

**A RESOLUTION** in relation to burning the Notes of the Bank of the Commonwealth.

*Resolved, by the General Assembly of the Commonwealth of Kentucky,* That the President and Cashier of the Bank of the Commonwealth of Kentucky shall, on or before the first Monday in February next, in the presence of the Auditor and Treasurer, proceed to count and destroy, by burning, fifty thousand dollars of the notes of said bank that have been withdrawn from circulation, and on or before the first Monday in December next, that the sum of fifty thousand dollars more of the notes of said bank be destroyed, by burning, under the same regulation as the first fifty thousand dollars, and that such notes be selected, in both instances, as have been most defaced.

[Approved February 2, 1833.]



## RESOLUTIONS.

309

PREAMBLE and RESOLUTIONS in relation to Nullifying Acts of Congress by a single State of the Union.

The select committee of the House of Representatives, to whom was referred the message of his Excellency, the Governor, transmitting the documents which contain the proceedings of the Convention held at Columbia, in South Carolina, in November last, have examined those papers with much care, and beg leave respectfully to report to the house the views they have taken thereon:

The Convention have declared that the existing laws of the United States, imposing duties upon the importation of foreign commodities into the United States, are iniquitous in their principle, and most oppressive and ruinous in their operation; and, moreover a palpable infraction of the Federal Compact. They have proceeded to decide, authoritatively, that these laws are in violation of the Constitution of the United States, and therefore, null and void; and have directed a course of measures to the Legislature of that State, by which their operation may be obstructed within the territorial limits of South Carolina. In the address to the States, a scheme of general taxation is submitted, with a distinct understanding that it is a concession on the part of South Carolina, which if promptly met, and in a becoming manner, will be made by her to preserve the Union; and that scheme is, "that the same rate of duty may be imposed upon the protected articles that shall be imposed upon the unprotected, provided that no more revenue be raised than is necessary to meet the demands of the government for constitutional purposes; and provided, also, that a duty, substantially uniform, be imposed upon all foreign articles." It is abundantly obvious, that South Carolina reserves to herself the right of determining what are "constitutional objects;" and should the principle of discrimination in the import system be abandoned, there is no certainty that the future revenue laws would not be nullified. In the proviso for a substantial uniformity in duties upon all foreign imports, it is impossible not to see a field at once laid open for future dispute and differences. If the intentions of South Carolina be really to prevent future difficulties, she should define, with certainty, what are the "constitutional purposes" for which revenue may be raised. The States should, also, require that the distinction be clearly drawn between an apparent and "substantial uniformity" in the duties imposed upon all foreign imports. The Constitution of the United States declares, that "all duties, imposts and excises shall be uniform throughout the United States;" and your committee are under the impression that the requisition is complied with in the present system. The distinction taken, in the proposition made to the States, would seem to imply, that where a duty was laid upon an article of foreign growth or manufacture, a corresponding tax should be imposed upon similar articles of domestic production. The effect of such a principle is too obvious for commentary, and effectually destroys any hope the friends of American manufactures might derive from the first branch of the proposition, allowing the same rate of duty to be imposed upon protected articles that should be imposed upon unprotected. It would be a great abuse of terms to call any article protected, when loaded with an excise equal to the duty imposed upon its foreign rival. This were not only to forbid the laying a duty, with

a view to protection, but to prohibit such incidental protection as would arise from the imposition of duties laid with a sole view to revenue, and adjusted to that standard.

It will not be expected of the committee to enter upon the detailed ground of the tariff. They may be permitted, however, to observe, that they can scarcely reconcile the operation of that system, as described in the South Carolina address, with the increase of our navigation, and the extension of our mercantile operations, as communicated by the President of the United States in his message to the present Congress, or the flourishing state of internal trade which we know to exist. The President says, "the returns which have been made out since we last met will shew an increase, during the preceding year, of more than eighty thousand tons in our shipping, and of near forty millions of dollars in the aggregate of our imports and exports." This picture of growing prosperity, is scarcely compatible with a system which is represented as spreading ruin and desolation over every class of the community, except a few capitalists engaged in manufactures, prematurely begun and artificially sustained. It cannot be reconciled with the depression of agriculture, or the idea that that portion of the United States which furnishes almost the whole export upon which foreign trade is based, is ground in poverty and insignificance by an oppressive government.

The committee are unable to perceive that the whole amount of duties falls upon southern productions. They believe that the people of South Carolina pay, like the people every where else, the people of the manufacturing states as well as others, in proportion to their consumption.

The committee believe that the people of this Commonwealth have considered the tariff, so far as it operates the encouragement of American manufactures, as a national measure, contributing to our strength and independence, and as a measure decidedly of prospective defence. That its ultimate effect is to develop, to the uttermost, the great natural resources of our country, to enlarge the sphere of our domestic industry and domestic commerce, and to accelerate our advance to that point of opulence and power, which the peculiar advantages of our situation would seem to indicate. Free trade prevails between the States of this Union. The Constitution provides for the unrestrained circulation of commodities, throughout this vast continent. And we cannot but believe that the permanent resistance of the mechanical arts, in any part of it, will be favorable to every branch of industry, in every other part of it. Arts and manufactures require encouragement: they have flourished most in those countries where the government has extended its patronage, and richly have they rewarded, in their matured state, the generous protection which shielded their infancy. In the full perfection in which they exist in other countries, at what conceivable point of time, or under what conceivable state of things, could individual enterprise and capital enter, unaided, into a contest in which the power and resources of foreign governments would certainly be thrown into the scale against them. To deny the principle of protection, is to prohibit manufactures forever to the United States.

Your committee, without going further into this subject, or without undertaking to decide the extent to which protection ought to be afforded,

would remark, that the proposition from South Carolina, should have been made rather in the nature of a remonstrance to Congress, than in the character of an address to the state governments. It is in the style of a *projet* for a commercial treaty between sovereign states, in which she lays down her ultimatum, and threatens, that unless it be met speedily, she will dissolve the political connexion already subsisting between the American states. In the view of your committee, that connexion is already dissolved, so far, at least, as the Ordinance of South Carolina can effect so portentous an event. In the view of your committee, the provisions of that Ordinance, and the principles upon which those who framed it have chosen to rest its vindication, are in direct violation of the Constitution of the United States, and if sustained, are immediately subversive of the American Republic. Though, from the tone assumed by Carolina in her address to the states, there is little hope that persuasion or reasoning will produce any effect upon her, your committee have still thought that, in a crisis so momentous, we should spread our constitutional opinions upon the archives of our state.

South Carolina, under the lead of her ablest statesmen in 1832, proclaims a law, laying a duty with a view to protection, and all appropriations for the purposes of internal improvement to be plain, palpable violations of the federal compact, and atrocious usurpations upon the part of the General Government—a system of legislative plunder, rivetted upon her by an irresponsible despotism.

In 1816, this very state, by her champion in Congress, recommends to the General Government, the protection of manufactures, with a force of argument not easily resisted.

In 1819, the same talented champion of the South recommends “a judicious system of roads and canals, constructed for the convenience of commerce;” “such a system,” says Mr. Calhoun, in his report on roads and canals submitted to Congress on the 7th of January, 1819, from the department of war, “such a system, by consolidating our union, increasing our wealth and fiscal capacity, would add greatly to our resources in war.”

It is of the last importance that judicial decisions should be uniform. If the nation depended for its constitutional law upon South Carolina, it must be confessed that the precedents would be found in irreconcilable conflict. In truth, she led most prominently, in the initiation of that system, to put down which, she would now rend the union.

The Convention, however, affirm that nullification, or the right of a state to pronounce an authoritative judgment upon the constitutionality of a law, is a right under the constitution. They deny that this is a revolutionary movement. They disclaim the idea of rebellion. As the Ordinance is the only existing specimen of nullification, it would be well perhaps, in the solution of this question, to compare its provisions with the Constitution. That instrument declares that the judicial power therein delegated, shall extend to all cases in law and equity arising under the Constitution, the laws of the United States and treaties made, or which shall be made, under their authority. The Ordinance forbids an appeal to the Supreme Court of the United States, in any case in law or equity, in which the acts of Congress of the 19th of May, 1828, and the 14th of July, 1832, are, or shall be drawn in question.

The Constitution proclaims itself, and the laws of the United States made in pursuance thereof, and all the treaties made or which shall be made under the authority of the United States, to be the supreme law of the land, and the judges of every state shall be bound thereby, any thing in the Constitution or laws of any state to the contrary notwithstanding. The Ordinance declares itself paramount and binding upon the citizens of South Carolina, and makes all officers, judicial and others, within the state, swear to observe and execute it.

The Constitution provides that all duties, imposts and excises, shall be uniform throughout the United States. The Ordinance declares that no duties shall be collected within the limits of Carolina, under the existing revenue laws of the union, although they are in force every where else throughout the United States.

The Constitution gives to Congress the power to provide for calling forth the militia of the union to execute the laws, suppress insurrections, and repel invasions. The Ordinance declares that if Congress attempts to execute her laws by force, South Carolina will organize a separate government, and maintain her Ordinance at all hazards.

Your committee conceive the statement of these propositions to render all argument unnecessary.

The extent of the powers of the General Government depend most certainly on the Constitution; it is strictly a government of delegated powers, and the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people. But where a power of a sovereign character is expressly granted by that instrument, it would be difficult to maintain that the same power is among the reserved rights of the states. The judicial power in the case under consideration, has been delegated, in express terms, to the General Government.

The Convention felt that to maintain their Ordinance, they must abandon the Constitution, and seek elsewhere for argument and illustration. They have accordingly done so, and found the judicial power, not among the reserved rights of the states, but in a theory, partly of their own construction and partly borrowed from certain resolutions of the Virginia Legislature, passed in times of high party excitement. As to the authority of the resolutions in favor of nullification, your committee would remark that the construction given to them by the Convention, has been disavowed in a published letter of Mr. Madison, their venerable author.

Your committee beg leave to give their views of this theory, productive, as it is likely to be, of such important practical results.

It is said that, by our memorable revolution, "the British colonies in America became, and were declared to be, sovereign and independent states; that as distinct political communities, they entered into a compact, treaty, league or alliance, under the style and title of the Constitution of the United States; but that each remained as absolutely and uncontrollably sovereign as under the articles of confederation, or as any other prince, potentate or sovereign upon earth; that there has not existed at any time such a political body as the people of the United States; that there is not now, nor has there ever been such a relation existing as that of a citizen of New Hampshire and a citizen of South

Carolina bound together in the same social compact; that there is not now, nor has there ever been any direct allegiance between the citizens of South Carolina and the Federal Government; the relation between them is through the state; that the general government is in fact a compact between sovereigns, imposing merely a moral obligation upon the states not to exercise certain powers, which still remain in them, and which are in fact unalienable, though we are accustomed to say inaccurately, that they have been surrendered by the states; that the extent of the powers of the general government depends upon the states; in short, that they are as sovereign as Great Britain, France and Russia would be in an alliance, offensive and defensive; that it follows from the nature of their political connexion, and is essential to their preservation, that they, like other sovereigns in the absence of a common arbiter, should be interpreters of their own agreements, and that in their character of sovereign arbiters, they have the unquestionable right to redress violations and infractions of their compact, and to choose the mode and measure of such redress; that the compact has been violated palpably; that South Carolina has interposed, and by counter legislation, which, from the principles above laid down, is, and must be paramount within her own limits, arrested the operation of the acts, which transcend the charter; "South Carolina cannot and will not yield to any department of the federal government, and still less, to the Supreme Court of the United States, the creature of a government," which is itself the creature of the states—a right, which enters into the essence of all sovereignty, and without which, it would become a bauble and a name."

Who does not discern in this system, the principles of utter disorganization. It is obvious that the judicial power, in such cases as that under consideration, is as clearly delegated to the government of the United States, as any other power whatever. If South Carolina could not surrender this, as being of the essence of her sovereignty, and therefore unalienable, she could surrender no other sovereign power, legislative or executive; the doctrine denies the validity of the Constitution, and nullifies the whole instrument. It would seem useless in this view of the matter, to appeal to the Constitution: we must drive our enquiries higher and wider—we must explore the foundations upon which that instrument rests its claims to validity, and settle its authority, before we seek to penetrate its meaning. Let us pursue this metaphysical theory (for it seems no less,) a little further: They say the powers of the general government are delegated and derivative—the state sovereignties are original and inherent. We would reply, that derivative powers are a trust, and therefore unalienable, but that original and inherent rights can be granted away. The consequence, that flows from this indisputable distinction, is, that if the state governments be primitively, inherently and of their own right sovereign, and the Constitution was really derived from that source alone, which is assumed as the basis of the argument in the address of the Convention, then the grants contained in the Constitution are valid, and as we have shown the judicial power to be among them; and extending to the very case under consideration, the Ordinance of nullification, from their own shewing, is an illegal usurpation of power, which has been vested in another tribunal.

But we will not place the Constitution upon that ground. It is not a mere treaty of alliance between sovereigns, left to the interpretation of the sword; nor is it dependant for the execution of its powers, upon the will of twenty-four absolutely sovereign governments. The articles of confederation were the act of the state governments. The old Congress was their creature—and a miserably impotent, dependant creature it was—their acts were mere recommendations, and most frequently disregarded; they were a consulting body merely, and the whole executive authority, or rather entire sovereignty, resided in the states. The fruits of the revolution were likely to be lost in the evils of an inefficient government, and an imperfect union. The great geniuses who achieved the revolution, perceived the defects of their system, and roused the people to a sense of their danger. The Federal Constitution does not derive its authority from the Convention that met at Philadelphia. As the act of that body, it was a mere recommendation of a form of government by which the people of the several states might become united. It was adopted, and made law, by Conventions chosen by the people in each state, in the same manner that their state Constitutions are. The grants of power contained in it are not concessions upon the part of the state governments. They are grants from the people of the states. The state governments did not, and indeed, they could not, delegate their authority, which was itself but derivative, but the people, their masters, in adopting the new Constitution, denied them certain powers. The Federal Constitution is the fundamental law of each state, made so by the authority of the people of each state. It is the fundamental law of all the states, made so by the consent of the people of all the states. It created such a body politic as the people of the United States. In the language of General Washington, it consolidated their union.

The science of politics has been thought to have received a great improvement from the American revolution, and its soundest principles to have been incorporated in the Federal Constitution. One, and not the least important of these principles is, that all political and governmental power is derivative. The original or *jure divino* right, either in states or princes, is gone. Government is the result of a convention between individuals, deriving its just powers from the consent of the governed. There are no original sovereigns—save each individual man in a state of nature, and his sovereignty extends only to himself. All government is a trust, springing out of the necessities of mankind. It is a conventional method, in every instance, by which the strength and reason of many distinct individuals can be united, in such manner as to give to each the power and protection of the whole. A written Constitution is the deed which creates the trust, and provides a mode of interpretation where difficulties arise. No power, short of that which created, can cancel an instrument so solemn and important; all have an interest in it: nor can it be changed in any other way than by the consent of all, or in such a manner as itself provides, or by physical force and revolution. In pursuance of these principles it was made an objection to the articles of confederation, that they had not been ratified by the people, and being dependant upon the state legislatures for their origin, were subject to legislative repeal. The statesmen of that time understood well that a government which was intended to act immediately upon persons

and property through its own agents, which was to depend upon itself for the execution of its powers, could not be the result of an international compact; that it could hold no claim of allegiance upon individuals unless it flowed from the people, the pure and only legitimate fountain of power. In the sanctions of the popular authority, therefore, they laid the deep foundations of our social order, and established the relation of citizen and government, with the corresponding duties of allegiance and protection. Your committee can never believe that *government* can justly be created in any other way.

The people of separate and distinct communities are surely competent, voluntarily and upon full deliberation, to unite themselves under one government, with a Constitution containing all the safeguards of liberty, and all the powers necessary for its own preservation: and such a Constitution is perpetually binding upon all. Such a one, and drawn from such a source, the Constitution of the United States purports to be; and such it has been, in its practical operation, for more than forty years, in the constant exercise of those powers which are now denied it. "We the people," says its caption—"We, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and posterity, do ordain and establish this Constitution for the United States of America;" and it has operated these grand results to the full letter of its promise.

South Carolina warns the states against any measures of rashness. Can it be possible that she imagines any state will proceed, in her sovereign capacity, to make war upon her? Does she consider the Constitution so completely at an end, that each state shall seize the sword, which has been committed to our common government? To declare war, is not among the reserved rights. We have no power to enter into alliances, pro or con. Our allegiance to the Constitution requires, that we should obey the call of that power appointed to execute the laws, suppress insurrections, and repel invasions. The people of this Commonwealth have obeyed that call, for the latter purpose, whether to the north or to the south. May it please Heaven to spare them the proofs of patriotism, which dangers from domestic sources would compel them to furnish. In the contemplation of an event so calamitous, your committee would forget the terms in which South Carolina announces her lofty resolves, her inflexible determination—terms that would seem to admit neither of answer nor remonstrance. We would remonstrate, we would adjure South Carolina, or those who guide her councils, by the blood and sufferings of our common ancestors, not to mar their work; not to insult the memory of the dead; not to embitter the last hours of that small remnant of the revolution, who yet linger upon earth, by demonstrating that a republic, that vision of glory which led them on through toil and privation, was a delusion and a cheat. We would adjure them by their own great names—names won in the service of the United States, and hitherto looked upon as a portion of American wealth,—by the talents so gloriously exerted in defence of those very principles which they now denounce—we would adjure them to be satisfied with lawful fame. Let them not dream of a resemblance between their situation and that of the fathers of the revolution. Mankind will not, and cannot,

recognize it. Should they succeed in goading enthusiasm to madness; should they succeed in infusing their own wild passions into the people of South, and precipitate the United States into all the horrors and horrors of civil war, the glory which hallows the tomb of the patriot martyr will not be theirs; their past honors will turn to infamy, and they will be set in storm and darkness, amidst the deep execrations of all mankind.

Your committee would recommend, to the Legislature, the adoption of the following resolutions, to the end that South Carolina, and the world, and posterity, may know that, in this first convulsion of our political system, Kentucky at least was faithful.

1. *Resolved, by the General Assembly of the Commonwealth of Kentucky, That the union of the people of these States, as established by the Federal Constitution, is essential to their prosperity, liberty and happiness, and must be preserved.*

2. *Resolved, That the powers of the Federal Government are derived from the Constitution of the United States; and whether that charter was ordained by the whole people of the United States, as one nation, or by the people of the States, or by the States in their distinct political capacities, the rules and principles of construction in relation to it are the same.*

3. That whatever differences of opinion may prevail as to the extent of protection which ought to be afforded to American manufactures, we concur in opinion, that the acts of Congress of 1828 and 1832, declared null and void by the late Convention of South Carolina, are laws of the United States, made in pursuance of the Federal Constitution, and, in the language of that instrument, are "supreme laws of the land," and binding upon the whole until altered or repealed by the authority that made them.

4. That we disapprove the Ordinance of the Convention, and all attempts made in pursuance thereof, by the State of South Carolina, to nullify the said acts of Congress, or to obstruct in any way their execution, as an assumption of power not warranted by the Constitution, nor to be found among the rights reserved to the States respectively.

5. That the people of the United States have a deep interest in the perpetuity and integrity of the Union, and an undoubted right to preserve it; and the right of secession, asserted by the Ordinance, is not only unauthorized by the Constitution, but is repugnant to its letter and spirit.

6. That it is a duty which every citizen of the United States owes to himself and our common country, when called upon, to aid the constituted authorities of the Government in carrying into effect the laws of the Union.

7. That so long as the present Constitution remains unaltered, the legislative enactments of the constituted authorities of the United States can only be repealed by the authorities that made them, and if not repealed, can in no otherwise be finally and authoritatively abrogated or annulled than by the sentence of the Federal Judiciary declaring their unconstitutionality; that those enactments, subject only to be so repealed or declared null, and treaties made by the United States, are supreme laws of the land; that no state of this union, has any constitutional right or power to nullify any such enactment or treaty, or to contravene them or obstruct their execution; that it is the duty of the President of the United States, a bounden, solemn duty, to take care that these enactments and treaties be faithfully executed, observed and fulfilled; and we receive with unfeigned and cordial approbation the pledge which the President has given to the nation in his late proclamation, that he will perform this high and solemn duty.

8. That his excellency, the Governor, be, and he is hereby requested, to transmit copies of these resolutions to the President of the United States, our Senators and Representatives in Congress, and to the Governor of South Carolina.

[Approved February 2, 1833.]

A RESOLUTION in relation to an Arsenal for the security of the Public Arms and Accoutrements.

*Resolved, by the General Assembly of the Commonwealth of Kentucky, That the Governor be, and he is hereby, requested to cause to be procured the best plan that has been devised of an Arsenal, for the security of the Public Ordinance, Arms and Accoutrements, and report the same to the next General Assembly, together with the number and kind of Arms now on hand, how many of those Arms have been distributed among the Militia of the State, and on what terms let out, how many additional Arms, &c. are due the State of Kentucky from the General Government and not received.*

[Approved February 2, 1833.]



# INDEX.

## A

Academy—Boone, mistake in the name of, corrected,	33
Greenwick, act to incorporate it,	164
Glasgow, trustees to, appointed,	115
Stanford, law concerning, explained,	72
Washington, trustees appointed,	103
Adamsville, town of, act concerning the,	193
Advertiser, Newcastle, orders to be published in,	13
Advocate, Green river, “ “	73
Alexander, Smith, heirs of, act for their benefit,	16
Allen, county of, act concerning the circuit courts in,	24
The county courts in,	25
Allen, Richard, act for the benefit of his legatees,	110
Appropriation of money, annual act for,	295
Appeals, court of, mode of publishing decisions, changed,	54
Assessment, court of, for 20th regiment, proceedings legalized,	111
Asylum, Lunatic, law concerning, amended,	40
Attorneys, Commonwealth's, law providing for their appointment, continued in force,	
Augusta Telegraph, orders to be published in,	14
Augusta, town of, acts concerning, amended, and reduced into one,	60
Fire Company in, organized,	120

## B

Badger, Eliza, act for the benefit of,	241
Bail, act limiting the time for which persons may be held to,	162
Banks, Independent, allowed further time to close their concerns,	41
Louisville Bank of Kentucky, act to establish,	195
Baptist, Banner and Cross, orders to be published in,	13
Baren, county court of, certain proceedings legalized,	39
Allowed an additional constable,	58
Precinct in, established,	57
Bath, county court of, may authorise the erection of gates on certain roads,	37
May authorise certain individuals to erect gates,	43-44-69

Allowed an additional justice of the peace,	145
Sheriff of, act for his benefit,	96
Blincoe, James, act for the benefit of the heirs of,	125
Board of internal improvement for Shelby county, additional subscription to,	173
Bourbon, county court authorised to levy tax on lands in,	140
Election precinct established in,	240
Bowlinggreen, justices of the peace in allowed to issue <i>capias pro fine</i> ,	72
Boyd, Spencer, act for his benefit,	69
Brandenburg, town of, act concerning,	82
Branagan, John, act for the benefit of his devisees,	156
Bracken, county of, powers of road commissioners in, extended,	165
Breckenridge, county of, election precincts established in,	75-99-100
Brewer, Claiborne, name changed to Claiborne Grace,	71
Butler, county of, added to the 14th judicial district,	19
Vacant land in, appropriated to internal improvement,	291
Butler, William, act for the benefit of,	108
C	
Caldwell, county of, allowed an additional constable,	29
An additional justice,	145
Southern precinct in abolished,	35
Land warrants appropriated to,	298
Calloway, county court of, may appoint an additional constable,	29
Campbell, county of, allowed an additional constable,	145
Caney, Big, act to improve the navigation of,	292
Casey, county of, time of holding circuit court for November term, changed,	65
State road in, changed,	81
Land warrants granted to, for improving roads,	147
Cecil, William, act for the relief of,	135
Christian, county court of, proceedings of, legalized,	39
Clark, Everard, sale of part of his real estate authorised,	25
Clarke, county of, election precincts in, regulated,	35

Circuit court of, authorised to decreas a sale of 2½ acres of land,	136	Ejectments and forcible entries, act to amend proceedings in,	248
Clay, county of, allowed an additional constable,	29	Estill, county court of, authorised to extend bounds of a constable's dis- trict,	40
Court of, authorised to erect gates,	44	Evidence, law of, in prosecutions for forgery, amended,	76
Land warrants granted for improving roads in,	146	Examiner, the Louisville, orders, &c. to be published in,	72
Clerks, authorised to collect their fees from persons leaving the state,	87	F	
Coal Company, Louisville and Bonhar- bour, act to incorporate it,	130	Fayette, county court of, authorised to erect gates,	44
Coleman George, act for his benefit,	43	Act for opening and keeping in re- pair the highwys of, amended,	157
College St. Joseph's, act for the bene- fit of,	74	Ferry at the mouth of Ky. river, regu- lated,	21
Columbus, town of, trustees allowed to build mills and warehouses,	105	Fees, different officers authorised to col- lect from persons about leaving the state,	87
Company, road, Lexington, Chilesburg and Winchester, act relating to,	153	Fife Samuel T., act for his benefit,	284
"Commonwealth The," orders, adver- tisements, &c. to be published in,	242	Fleming, county court of, authorised to permit gates to be erected across certain roads,	37-44
Bank of, to balance accounts with the treasury,	245	Allowed an additional justice and constable,	145
Company, Turnpike Road, from Lex- ington towards Nashville,	269	Fletcher Dicey, act for her benefit,	28
Cook John, act for his benefit,	23	Flournoy Samuel, act for the benefit of his heirs,	102
Constables allowed to collect their fees from those about to leave the state,	88	Floyd, county of, act to improve cer- tain roads in,	260
Congressional districts, act to divide the state into,	267	Forbis Morgan, act for the benefit of the heirs of,	84
County courts, proceedings of, legaliz- ed,	39	Franklin, county court of, may author- ise gates to be erected across cer- tain roads,	38
Authorised to permit the erection of gates,	85-6	Franklin, town of, jurisdiction of tru- tees increased,	39
Such as failed to levy taxes may levy in May or June,	154	Franklin Insurance Company incorpo- rated,	120
Levies of, legalized in certain cases,	154	Frankfort, town of, powers of trustees enlarged and explained,	137
Covington, town of, laws relating to, a- mended,	67	Road opened from to Williamstown,	98
Creek John's, declared navigable,	78	Frazer Thomas, act for the benefit of the heirs of,	151
Crittenden School, act to incorporate it,	235	Freedom, Champion of, orders, &c. to be published in,	13
Cumberland, county of, election pre- cinct in, changed and one estab- lished,	38	Forgery, law of evidence relating to, amended,	76
River, money appropriated to im- prove the navigation of,	174	G	
Gurd Spencer, act for the benefit of his representatives,	161	Gaines Gabriel, act for the benefit of the heirs of,	45
Cynthiana, town of, act in relation to, Trustees to close an alley in,	161	Gallatin, county of, ferry in, regulated, Sheriff of, act for his benefit,	27 96
D		Allowed an additional constable,	145
Davis William, act for his benefit,	113	Gaming, unlawful, the several acts a- gainst, amended,	250
Ditto Henry, act for the benefit of his estate,	126	Garrard, county of, act for the relief of the sheriff of,	14
Dulin Nancy, two lots belonging to, au- thorised to be sold,	112	Benefit of the sheriff,	19
Districts, Congressional, act to divide the state into,	267	County court, act for the benefit of the clerk of,	101
E		Gazette, Commercial and Louisville	
Edmonson, county of, attached to the sixth judicial district,	19		
Circuit courts of, act concerning,	24		
Elkton, town of, limits enlarged,	66		

Herald, orders, &c. to be published in,	13	Hickman, county of, place of voting at a precinct in, changed,	37
Glasgow, town of, act relating to,	17	Sheriff of, act for his benefit,	78
Act to provide for collecting fines in,	72	Qualified voters authorised to select either Clinton or Moscow as a permanent seat of justice,	243
Goodwin Mary, act for her benefit,	26	Hill Bartlett, act for his benefit,	58
Green River Gazette, orders, &c. to be published in,	13	Hinton Casper, act for the benefit of his infant heirs,	152
Grant, Sheriff of, act for his benefit and that of his securities,	100	Honaker James, act for the benefit of his representatives,	139
Graves, county of, election precinct established in,	128	Hopkins Francis J., act for his benefit,	128
An additional constable allowed to,	29	Hopkins, county of, clerk authorised to transcribe certain records,	159
Green William, act for the benefit of his wife and children,	77	Hord Francis P., act for the relief of the heirs of,	132
Greenup, county of, proceedings of county court legalized,	19	Horses, covering and jacks, act relating to owners of,	28
Time of holding circuit courts of changed,	24	Hospital Cumberland, act for the benefit of,	163
Fine for failing to work on public roads in,	238	Hotel Louisville, act to incorporate the company,	218
H		Humphreys Charles, act for the benefit of the heirs of,	300
		I & J	
Hancock, county of, election precinct established in,	100	Institute Medical, act to establish the,	300
Clerk authorised to transcribe certain records,	159	Institution Louisville Savings, act to incorporate,	302
Hardin, county court of, authorised to purchase land for the poor-house,	70	Insurance Company, Franklin, incorporated,	120
To appoint inspectors for Elizabethtown and West Point,	145	Jacks, act relating to owners of,	28
Harding Flora N. C., act for her benefit,	144	Jailors, act for the relief of,	20
Harlan, county of, certain records in surveyor's office to be copied and preserved,	114	Jasper Achilles, act for his benefit,	291
Land appropriated to improve Cannon creek road in,	262	Jefferson, county of, allowed two additional constables,	29
Act to regulate the time of holding the circuit courts of,	300	Circuit courts in, regulated,	51
Harrison, county court of, may appoint an additional constable,	29	Act to regulate the circuit courts of,	239
Place of voting at a precinct in, changed,	93	Jeffersontown, act for the benefit of,	21
Circuit court clerk of, to transcribe certain records,	160	Jessamine, county of, allowed an additional constable,	29
Harrodsburg, road leading from, to Lexington from Bardstown, established,	83	Felons of, to be confined in the jail of Fayette,	124
Harrodsburg, town of, powers of trustees enlarged,	153	Jewell Eleanor, act for her benefit,	105
Head-right and Tellico settlers, act for their benefit,	58	Judgments, mode of vacating, when recovered against, or in favor of, deceased persons,	89
Law in relation to settlers repealed and balance of debt disposed of,	167	Justices of the peace authorised to collect their fees from persons leaving the state,	87
Henderson, county of, attached to the seventh judicial circuit,	19	K	
Election precinct established in,	128	Kittenger Daniel M., act for the benefit of,	86
Henderson, town of, act concerning,	123	Knox, county of, precincts established in,	35-36
Henry, county of, bounds of constable's district changed in,	40	L	
An election precinct established in,	143	Langford Stephen, act for his benefit,	151
Allowed an additional constable,	145	Laurel, county of, act to regulate the time of holding the circuit courts of,	300
		County court to appoint an overseer on Moore's road,	84
		Land in, appropriated to make a road	

from London to mouth of Big Laurel,	286	Meade, county of, two precincts in, consolidated,	93
Lawrenceburg, town of, owners of lots in, allowed to vote for trustees,	51	Medical Institute in Louisville, act to establish,	300
Lawrence, county of, allowed an additional justice,	145	Mercer, county of, added to the twelfth judicial district,	24
Laws Penal, acts to amend the,	245-286	County court of, to permit certain persons to erect gates on certain roads,	44
Legislature, time of the meeting of, changed,	83	Meriwether Louisa, act for the benefit of,	22
Lewis Arch, act for the benefit of,	293	Merchandize, act to amend the law imposing tax on,	243
Lewis, county of, time of holding circuit courts in, changed,	24	Militia, 38th Regiment of, collector to collect the fines for 1830-31,	27
Places of voting at certain precincts in, changed,	143	72d Regiment, boundary line of, changed,	92
Lexington and Ohio Rail Road Company, act for the benefit of,	263	20th Regiment, court of assessment of, proceedings legalised,	111
Act to locate it through Louisville,	246	34th, " " "	242
City of, act incorporating, amended,	135	Miller Abraham, act for the relief of,	79
Library Public, act concerning,	108	Miller Jacob, act for his benefit,	242
In Rockcastle, established,	115	Mizner John, act for the benefit of the children of,	265
Limitation, an act of,	162	Montgomery, county of, allowed an additional constable,	29
Livingston, county of, place of voting in precinct specified,	37	Place of voting in a precinct changed,	38
Land warrants appropriated to improve a road in,	288	Morehead Benedict, act for the relief,	135
Logan, county of, chancery term in, repealed,	24	Morgan, county of, land appropriated to build a bridge,	289
Time of holding circuit courts of, specified,	24	County courts of, act to fix the times of holding,	292
Unrecorded deeds in county court clerk's office, authorised to be recorded,	52	Mount Carmel, town of, act concerning,	156
Act for the benefit of the jailor of,	56	Mount Washington, town of, act relating to,	79
Louisville Savings Institution, act to incorporate the,	302	Muhlenburg, county of, an additional constable allowed,	145
Bank of Kentucky, act to establish the,	195	Land warrants granted, for improving roads,	148
City of, act of incorporation amended and continued in force,	211	N	
Hotel Company, act to incorporate the,	218	Nalle John, act for the benefit of his heirs,	111
City of—see Lexington and Ohio Rail Road,	246	Newcastle, town of, public alley in, authorised to be sold,	299
M		Newmarket, town of, act to regulate,	74
Madison, county of, sheriff allowed further time to return his delinquent list,	106	New Providence school, act to incorporate it,	236
Madisonville, town of, enlarged,	111	Newskirk Thomas, act for the benefit of himself and wife,	82
Marcum Stephen, act for his benefit,	152	Nicholasville, town of, powers of trustees increased,	68
Mason, county of, road laws in, amended,	118	Norris Joseph, act for his benefit,	241
Maysville, city of, act of incorporation,	178	O	
Maysville, Washington, Paris and Lexington Turnpike Road Company, additional subscription to, and act of incorporation amended,	209	Observer & Reporter, orders, &c. to be published in,	73
McFerran William R., act for his benefit,	59	Ohio, county of, place of voting at a precinct in, changed,	54
McManu Mary Felicia, name changed to Moody,	71	Oldham, county of, part of, added to Shelby,	72
McNutt John, name changed to Bayse,	20	Times of holding circuit courts in,	52
McNutt Matilda, " "	20	Constable's district in, extended,	145
		Act to regulate the circuit courts of,	290

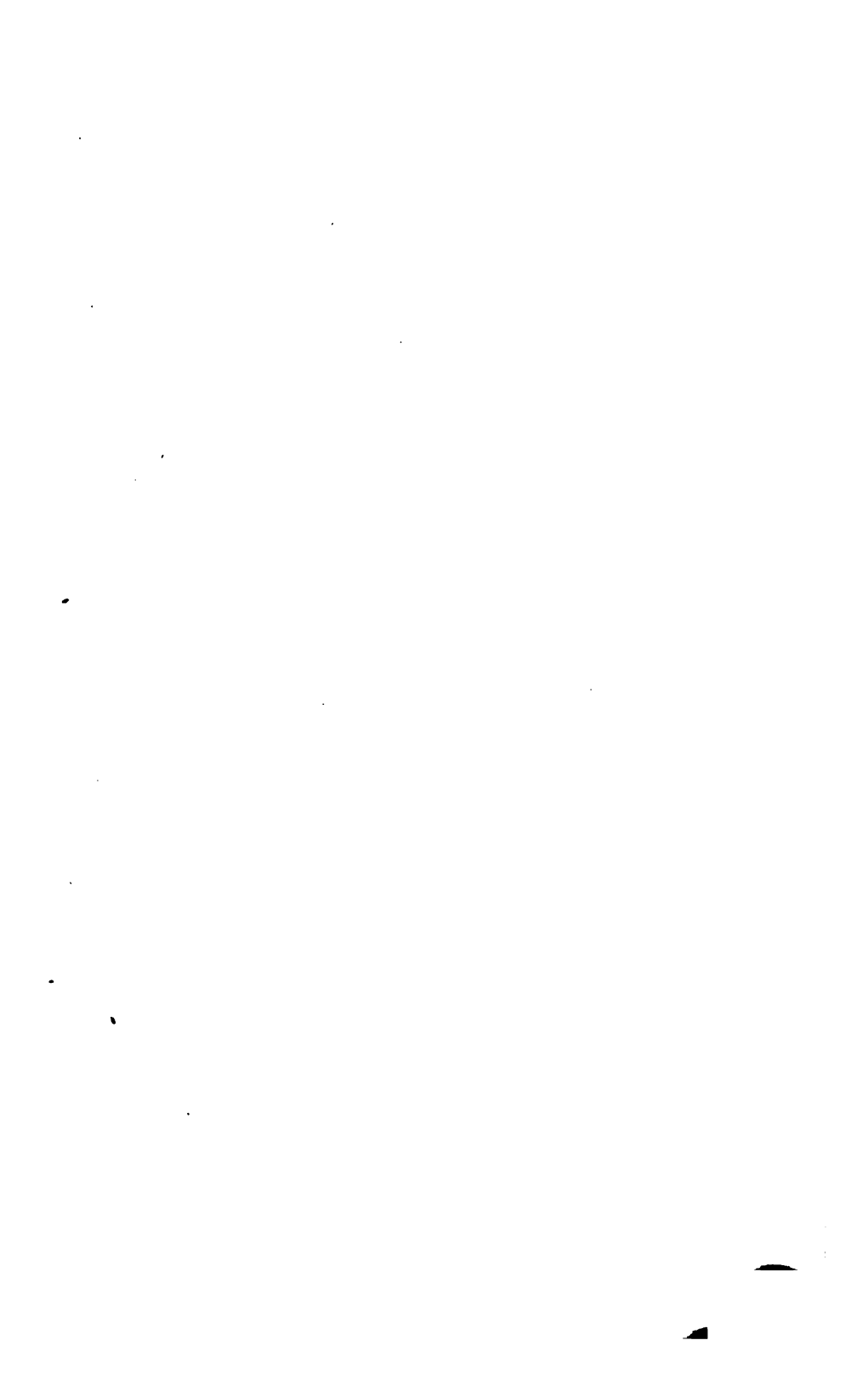
P		
Parrish James, act for his benefit,	23	From Harrodsburg to Lexington, road
Passways private, act concerning, amended,	195	from Bardstown,
Patterson Mary Ann, act for her benefit,	19	From Monticello to Monroe, and
Penal Laws, act to amend; penalty for altering poll-books,	246	from Columbia to Creelsburg,
Pendleton county, act for the benefit of the sheriff of,	97	From Louisville to State line, in the direction of Knoxville,
Election precinct, place of voting in, changed,	118	Company—see Maysville and Lexington Turnpike,
Additional terms allowed to the county court,	118	Turapike, from Louisville to Nashville—(see Turnpike Road,) 269
Additional constable allowed,	118	Robison Benjamin, act for his benefit,
County court to appoint reviewers of a certain road,	119	Rockcastle, county of, allowed an additional justice,
Perry county, act for the benefit of the clerk of,	105	How land warrants to be disposed of in,
Act to provide for improving roads in,	262	Precinct in, established,
Penitentiary, act to provide for settling accounts with the keeper of,	134	Russell, county of, fines and forfeitures in, regulated,
Pike county, court of, land warrants to issue to,	262	An additional constable allowed,
Princeton, town of, act further to improve the,	102	Russellville, town of, sale of a street in, authorised,
Pulaski, county of, land warrants to be issued to, for improving roads,	147	Act to provide for collection of fines in,
Allowed an additional justice and constable,	29	
Land warrants to be issued to,	107	S
R		
Rail Road Company, from Bardstown to Louisville, act to incorporate,	223	Salt River, act concerning the navigation of,
Lexington and Ohio, act to locate it through Louisville,	246	Savings Institution, Louisville, act to incorporate,
Lexington and Ohio, act for the benefit of,	263	Secretary of State, to distribute certain Military books,
Resolutions,	307 a	Sears William, act for his benefit,
Revolutionary soldiers, act for their benefit,	149	Seminary Barboursville, act for the benefit of,
Richmond, town of, building for a library authorised in,	18	Seminary Newport, act concerning,
Trustees to levy tax to McAdamize the streets,	162	Sentinel Western, orders, &c. to be published in,
Richardson Fanny, act for the benefit of herself and children,	144	School Crittenden, act to incorporate it,
Richardson Mary, act for her divorce,	104	New Providence,
River Dick's, act declaring it navigable repealed,	20	Shanklin Richard, act for the benefit of the devisees of,
River Green, act to remove obstructions at the falls of,	170	Shannon Samuel, act for the benefit of the heirs of,
River Salt, act concerning the navigation of,	149	Shelby, county of, an additional justice allowed,
Roads in Greenup county, act concerning,	238	Board of Internal Improvements for, additional subscription to,
Road from Taylorsville to Jefferson-town, act to open,	193	Time of holding county courts in, changed,
In Floyd, Perry and Pike, act to provide for improving,	261	Sheriffs authorised to collect their fees from persons leaving the state,
From London to Big Laurel, act relating to,	286	Short David, act for his benefit,
		Simpson, county of, allowed an additional constable,
		Circuit courts of, time for holding, specified,
		County court of, when terms are to commence,
		Simpsonville, town of, act for its regulation,
		Scott, county court of, may increase allowance to patrols,
		Act for the benefit of the sheriff of,

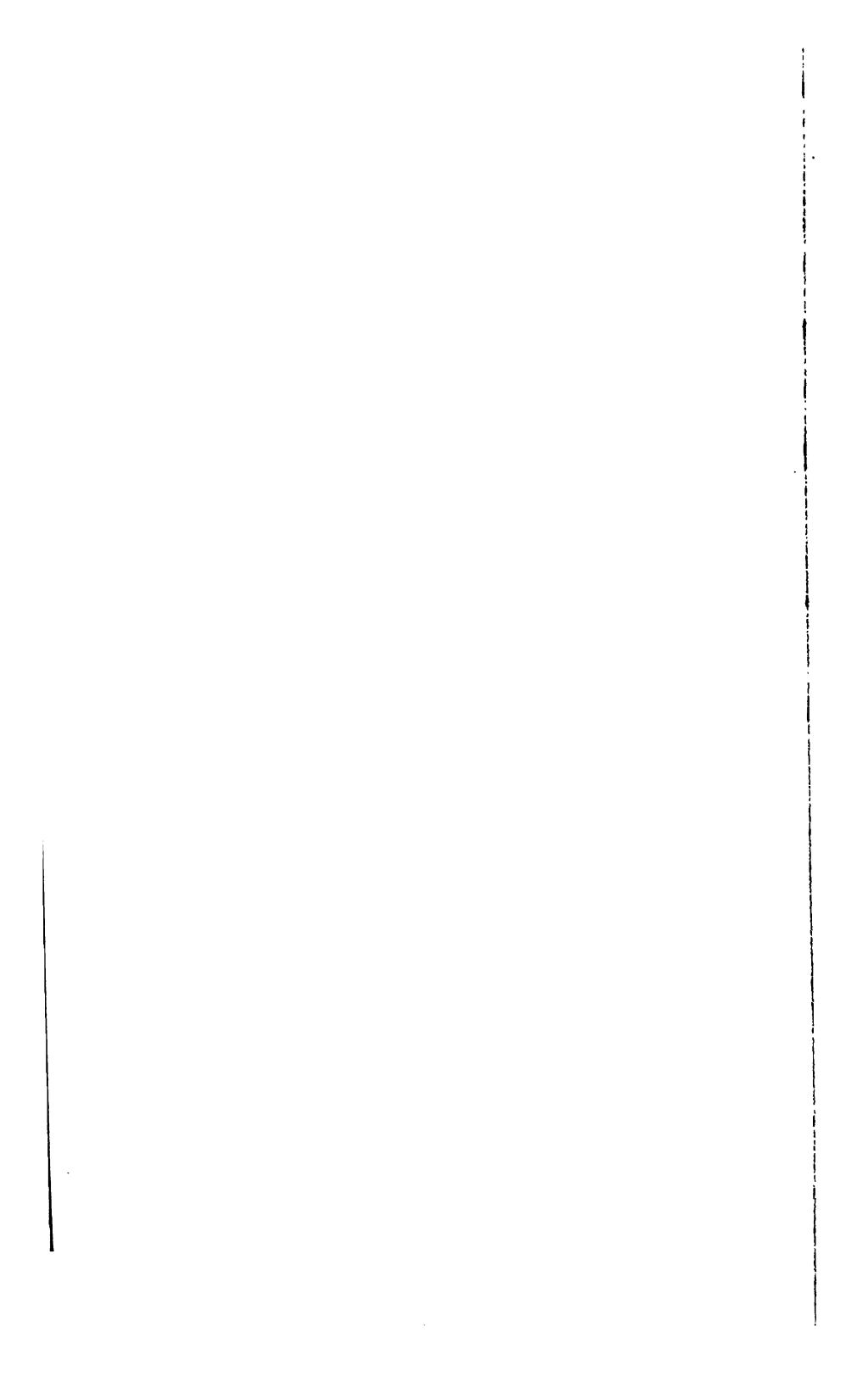
Slaves, sale of, authorised in certain cases,	194	Bowlinggreen, in the direction of Nashville, act to incorporate,	269
Act prohibiting importation of, amended,	258	Turner Edmund, authorised to erect a mill dam on the Middle fork of the Kentucky river, U—V	56
Smith William P. act for the benefit of,	128	Union, county of, land warrants granted, for improving roads in,	148
Smith John J. “ “	128	County court of, may amend levy at May term,	154
Smith John, “ “	58	County court clerk to transcribe certain records,	159
Society, Kentucky Baptist Education, authorised to emancipate a slave,	169	University Transylvania, act to amend the laws concerning,	103
Soldiers Revolutionary, act for their benefit,	149	Vanceburg, town of, act concerning, revived and continued in force,	119
Speacer, county court of, time of holding, altered,	299	W	
Time of holding circuit and county courts in, changed,	42	Waddle Henry, act for his benefit,	33
Spillman Sally, act for her benefit,	97	Walsh Anna Maria, act for the relief of her heirs,	141
Spirit of Washington and Lexington Literary Journal, orders, &c. to be published in,	73	Warren, circuit courts of, terms extended,	24
Springfield, town of, act to regulate the, State road in county of Casey changed,	81	County of, separate chancery term allowed,	24
State, act to divide it into Congressional Districts,	267	County, an additional justice of the peace allowed to,	145
Summers Noah C. act for his benefit,	14	Warsaw, town of, law incorporating, amended,	15
T		Washington, county of, first constable's district in, changed,	20
Taylor Edmund H. act to authorise the sale of certain lands of,	30	An additional justice and constable allowed,	146
Taylor Allen, act for his benefit,	42	Wayne, county of, allowed an additional justice and constable,	29
Taylorville, town of, act to establish the,	89	County court of, land warrants to be issued to, for certain purposes,	107
Supplementary act concerning,	237	Welden Vachel, act for his benefit,	95
Tennessee river, settlers West of, protected,	103	Whitley, county of, election precinct established in,	127
Thornton Walker, act for the benefit of his widow and heir,	155	An additional justice allowed,	145
Tibbs Jane, act for her benefit,	98	Land warrants appropriated to, for improvement of roads,	287
Tibbs Greenberry, act for his benefit,	98	Witnesses, law giving compensation to, amended, and mileage increased,	150
Tobin Benjamin, act for his benefit	105	Willett Cornelius F. tract of land belonging to, authorised to be sold,	69
Todd, county of, a meeting-house in, authorised to be sold,	17	Woodford, county of, an election precinct established in,	127
Treasury, accounts of, to be settled with the Bank of the Commonwealth,	245	Worley Dorcas, act for her benefit	56
Trigg, county of, time of holding circuit court for, changed,	13		
Act to fix the terms of county and circuit courts of,	292		
Turnpike road company, from Louisville, by the mouth of Salt river, Elizabethtown, Munfordsville and			













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